

## Certified Public Manager 2019 Project

### Implementation of an Employee Training Program for the Cass Elias McCarter Guardian ad Litem Program with Manual

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**Problem Statement:**

The purpose of the Cass Elias McCarter Guardian ad Litem Program (GAL) is to give abused and neglected children a voice in family court and a comforting presence throughout a traumatic time. The GAL Program supports volunteers whose focus is the child's best interests rather than the interests of any other person or group. The Program is charged with providing the Family Court, through its court-appointed volunteers, recommendations based on the Guardian ad Litem's independent investigation of the case. In order for the court appointed volunteers to have the support needed for them to be effective advocates, they need to have well-trained staff leading them and continuing to show them the way to best serve the children of the State of South Carolina.

The Cass Elias McCarter Guardian ad Litem Program does not have a training program or manual in place to provide employees with the nuts and bolts of their job. The training program and instructional manual that I would like to implement would provide a guideline for employees to follow from the beginning, providing first-hand knowledge from those that have performed the roles effectively, as well as equipping staff with the necessary tools and resources to perform their roles effectively as they continue to be employed with the Program. By providing consistency in how training is provided to staff, with a clear defined focus on the impact that staff has on the jobs that the volunteers perform, there will be a solid foundation for staff to start from as well as a clear understanding of volunteer supervision and how the effectiveness of the volunteer roles play into the importance of ensuring the child are safe.

The vision of the Guardian ad Litem Program is to provide a well-trained, competent, appropriately motivated volunteer child advocate for every child in South

Carolina involved in a Department of Social Services family court case involving abuse or neglect. Further, the vision is to have an effective staff to support the volunteers in their efforts by providing supervision, on-going training and assistance in each case. The GAL Program envisions being an integral part of the child welfare system's improvement. This project would provide exactly what the vision entails.

### **Data Collection:**

Data was collected by questionnaires from current county staff members that have been with the Cass Elias McCarter GAL Program for 10 years or more, 5 years and 2 years or less. This survey was conducted by telephone and the questions were asked to random staff across the state based on their years of service. The questionnaire asked questions pertaining to what trainings they were provided with when they started with the program, what training would have been helpful when they started with the program as well as what continuing training or assistance was provided to them as an employee new to the child welfare field. If they weren't new to the field, what assistance was provided to help ensure they were able to successfully navigate switching roles to make sure they were best serving children in their new role.

Information was also gathered by researching current workforce practices of the South Carolina GAL Program when bringing in new employees, reviewing the Policy and Procedure Manual with relevant job duties and responsibilities, studying New Employee Manuals from other GAL/CASA Programs from across the Nation that were in different geographical regions than SC and that also had manuals available to compare as well as best practices for training employees across the nation when they come into the GAL/CASA Program in their respective state.

Listed in the charts below are the questions asked and the responses received. I have separated the answers to the questions by who they were provided by as in their job title and the length of time they have been with the program.

<b>Question 1: What training were you provided with when you started with the Cass Elias McCarter Guardian ad Litem Program?</b>		
<b>Job Title:</b>	<b>Time in role:</b>	<b>Response to question:</b>
Program Coordinator II	24 years	I was visited by my regional administrator regularly and she gave me tips and tricks to do the job. It was all done by word of mouth.
Program Coordinator II	12 years	I shadowed a few ladies that didn't exactly serve in my role but that were familiar with the role. I was told as I went along if I had any questions to ask. I was given samples of the way documents should look and was told to make sure mine looked the same way. I was visited at least every other week and asked if I had any questions. I attended a training 4 years after I started on the job roles but nothing for the first 4 years.
Program Coordinator II	5 years total	I was in a different role when I started versus now. I worked with someone that had not been trained when they started with the program, so they made sure that I knew exactly what they were doing and how it was being done. I shadowed for about a month before I actually started having any hands-on experience. I was serving as a case manager/volunteer supervisor. They wanted to make sure that I understood the job prior to doing it. It was a positive that I had just gone through the volunteer training right before starting so I understood all roles that everyone played. I then progressed to my current role as a Program Coordinator II and felt like I had a good handle on how to perform the job from my previous role before transitioning to the current role.
Program Coordinator I	1 year	I was placed in an office that had another person serving in my same role so I was able to shadow

		that person a great deal to learn and see how the job worked. The Program Coordinator II had also typed up a good bit of information on how to perform certain in roles in the office, so I feel like I had a guideline to follow.
Program Coordinator I	10 months	I came in right behind another person in my same role, so we were trained together. We were given documentation as to how the job should be performed and I made sure I read it and asked any questions if need be.
Program Coordinator I	2 months	I was given documentation with information on how to perform my role. I also had another person in the office that has the same role so we mainly work together. My coordinator has shown me a number of tasks and how to effectively complete them. There was no formal training but a lot of shadowing and demonstrating so I could understand what to do.

<b>Question 2: What training would have been helpful when you started with the Cass Elias McCarter Guardian ad Litem Program?</b>		
<b>Job Title:</b>	<b>Time in role:</b>	<b>Response to question:</b>
Program Coordinator II	24 years	It would have been nice to just know what to do. I felt like I was just thrown out there to fend for myself. I would have liked a team of experienced people I could rely on.
Program Coordinator II	12 years	I would have appreciated a written guideline to follow so that I could make sure I was doing it right. When you have to constantly keep asking people questions they get frustrated and you eventually stop asking questions. It would have been beneficial to be a part of a training, either by an individual or team, that taught the ropes before being thrown out there.
Program Coordinator II	5 years total	I was working with someone that had been in the role for a while, so they were very knowledgeable about what to do and I just learned from them. Wouldn't have hurt to have a

		training done so I could learn the job when I first came on board.
Program Coordinator I	1 year	I had a guideline to follow but I see more and more everyday it was the roadmap I needed to be successful. I think it wouldn't have hurt if I had a team of people to reach out to so my coordinator didn't have to take up so much time trying to teach me the job.
Program Coordinator I	10 months	I was familiar with the overall aspect of the job but from a different angle. It would have been nice to have someone to shadow a little more or someone to reach out to besides my coordinator.
Program Coordinator I	2 months	I was given documentation that outlined my role. I read it as asked, more than once. It helped tremendously having a guideline to follow.

<b>Question 3: What continuing training/assistance was provided if you were new to the child welfare field?</b>		
<b>Job Title:</b>	<b>Time in role:</b>	<b>Response to question:</b>
Program Coordinator II	24 years	I was new to everything and nothing was provided.
Program Coordinator II	12 years	I had served as a volunteer GAL for a little while prior to applying for the job so I understood the role of the volunteer, but not the role of being a staff member. I did not come from a child welfare background. There was no continuing training that was specifically offered, but I was given the opportunity to attend trainings that were provided on child welfare topics.
Program Coordinator II	5 years total	I had previously worked with at risk youth and had gone through the volunteer GAL training prior to becoming staff.
Program Coordinator I	1 year	I had mentored children but had not come from a child welfare background. I attend the continuing education sessions that the volunteers attend so that I am kept up to date with child welfare.

Program Coordinator I	10 months	I had a small child welfare foundation as I served on the legal team at DSS and helped prepare the documents for the cases that were handled by the GAL offices.
Program Coordinator I	2 months	I had been a teacher for 24 years so I have knowledge of children and I had also served as a foster parent in the past and adopted a child, so I have worked with GALs in the past.

### **Data Analysis:**

The above-mentioned methods of data collection were used as I thought that gaining first hand knowledge from employees of the Cass Elias McCarter Guardian ad Litem Program would be the most beneficial as this is where I am trying to implement the employee training program. Being an employee myself, serving in my supervisory role for over 10 years, I am definitely aware that with time typically comes change and unfortunately this is an area that there has not been much change in. The consensus from the questionnaires was that it would have been beneficial to have a training team or program in place to provide them with a clear understanding of their roles when they came into the program as well as a manual that they could refer back to that specifically was pertaining to their job role and not the overall program, such as a policy and procedure manual.

The baseline questions were just simple straight forward questions that needed to be asked to determine how the implementation of the employee training program needed to fit in to the current state of operations. Based off of the responses, it appears as though there is no rhyme or reason to the way staff has been trained in the past and they just use

the available resources at the time, such as having a staff member to shadow or documents to follow.

In the research portion of the data collection, I reviewed employee manuals from South Carolina, Texas, California and the National CASA organization. It appears as though there needs to be consistency in who provides the training for it to be effective, as different people train in different ways and when you don't have consistency you can sometimes lose the gist along the way of what you are trying to teach.

In order to provide consistency for the implementation of the employee training program, a few parameters need to be put into place:

- a. A training team or a consistent training director/coordinator needs to be put in place to ensure that the training being provided to staff will be consistent.
- b. A manual will need to be put together to ensure that the information will follow a specific format and will provide the employees with a handbook/manual to refer back to if they ever have any questions.
- c. A timeframe will need to be set to determine the best way to provide all of the information that is needed over a specified time period as well as when employees shall engage in the training from their start date with the program.

A few factors that have to be taken into consideration when researching this topic and how things are done across the nation is the variance in how other organizations are set up from state to state. In the State of South Carolina, the Cass Elias McCarter Guardian ad Litem Program is a state government agency that covers 45 of the 46 counties in the state. It is a unified organization operating as one with almost 100 staff members across



the state. The local county offices, which would be considered remote offices, also have variance in the way they are run. Each county in the State of South Carolina has a county DSS office that has its own legal team that determines the way things are done in that specific county. There are also other staff members from other agencies that have an impact on how the Guardian ad Litem role is viewed. All of these factors impact how employees perform their role and how they view their jobs in the scheme of how to effectively serve volunteers and children. Across the nation, other CASA/GAL Programs may not be set up the same way. A number of them are not state government entities, may have one staff training person for the entire state or may have a number of programs serving the same state. They may or may not have an onboarding training process for staff and this may be of benefit to them as well.

The implementation plan has been developed based off of research from other employee manuals from across the CASA/GAL network as well as from our own here in South Carolina from 2010. Data was gathered from staff within the GAL Program here in South Carolina as to what would be beneficial information for someone starting in the program serving volunteers and children. A questionnaire was the preferred method for gathering the data and a manual and training program is the intended goal.

Training Manuals from three states were reviewed, South Carolina, Texas and California. All three manuals had the common concept of introducing their new employees to the role that they served in supervising volunteers and providing case management. An overview of these manuals provided the same insight of effectively training your staff so

that they could effectively train and supervise volunteers to provide effective advocacy focused on the children that we serve.

### **Implementation Plan:**

Providing staff with a consistent and reliable training program and manual to equip them with the necessary tools, resources and guidance to provide effective and productive supervision to the volunteer advocates, that are court appointed to advocate for abused and neglected children, would be the end result of this project. I am interested in producing an effective and productive way to aid volunteers in providing efficacious, adequate and competent child advocacy. Staff is the link between where we are as a program and where we need to be when it comes to equipping them with the training they need to be effective. Staff trains all volunteer advocates and if they are not properly trained to perform in their roles as volunteer supervisors, how can we expect them to train the volunteers that are in the field serving children?

Implementing this training program into the Cass Elias McCarter Guardian ad Litem Program could be done in one of two ways. There could be a team developed that consists of seasoned staff from across the state to train new staff as they come into the program or a specific training director/coordinator could be hired to serve that one purpose. The cost of the team would not be as taxing as it would be to use current staff. Bringing in a training coordinator or director would require a new salary and position to be developed. For project purposes, let's use the team approach.

Considering the fact that this particular program is a state agency, new staff can only have start dates of the 2<sup>nd</sup> or 17<sup>th</sup> of the month. So, in essence, new staff only starts twice a

month. This team will be tasked with meeting with all new staff within their first month of being hired to give them a general overview of the program and to inform them of the training program that they will initially be involved in to learn their jobs.

Obstacles to these initial steps would be the time involvement of the staff that are a part of the training team. They may be a part of the team but if they serve in other roles in the program, it may become burdensome to serve in their county and on the training team. The method to overcome the time obstacle would be to ensure that the trainings are scheduled for the same time monthly. Another obstacle will be the cost that will be incurred by the program to provide trainings monthly. When putting together trainings, aspects of consideration would be the cost of travel to get everyone to an agreed upon location, choosing a venue that would be able to accommodate the number of new employees needing training and the variance in job positions that will be attending the training. The method to overcome any and all obstacles that we may encounter would be to have meetings by webinar. From experience, in person sessions tend to give better results, but webinars will have to be considered if costs are too high to implement this plan monthly.

Resources for the implementation of this plan would be a training manual to go by as well as any and all supporting documentation needed to effectively train staff. Collaborating with senior management in our current program will be the determining factor as to if this project would be feasible. Stakeholders in this project will be staff serving in different roles, such as senior management roles and different county roles. Integration into the standard operating procedure would be as follows:

1. Determine who would serve on the training team. This should be a mixture of experienced staff that would be willing to share their knowledge and experience with those that are new coming into the program.
2. The training team will meet, as needed, either in person or by webinar, to discuss the delivery method for the training, distribution of the manual and any and all supporting documentation as well as the schedule for the intended training, which should be at least 3 days to provide an opportunity for adequate understanding and questions prior to moving on to the next section.
3. Obtain county specific information to provide to the new employees attending training as they need to understand from the beginning that all counties operate differently. The training is a general overview, but each person will also be provided with county specific resources.
4. The training team shall prepare for the three-day back to back training by discussing which areas will be covered on which days and by whom.

After all schematics from the first four steps are set, the training schedule shall commence as outlined below:

<b>Volunteer Supervisor Training- Day 1</b>	
<b>Time req'd</b>	<b>Topic of Discussion</b>
15 mins	Welcome by members of the Training Team and Introductions
20 mins	Icebreaker & Introduction of attendees
30 mins	Why are we here? Purpose of the training- to acclimate all new employees to the role that they play in ensuring that we are providing effective advocacy to the children of the State of SC, NCASA Standards

30 mins	History of the Program, Mission, Vision, Values, Legislative Foundation, Organizational Structure
20 mins	Staff Roles & Responsibilities and County Office Position Descriptions
1 hour	Lunch
15 mins	Common Acronym Listing
30 mins	SC Definitions of Typologies of Abuse/Neglect
30 mins	SC Statutory Program Requirements
15 mins	GAL Volunteer vs Private GAL Explanation
30 mins	Debrief and Questions
<b>Volunteer Supervisor Training- Day 2</b>	
<b>Time req'd</b>	<b>Topic of Discussion</b>
15 mins	Welcome by members of the Training Team and Introductions
15 mins	Debrief from the prior day's material and prep for the day
30 mins	Local Laws Governing Child Abuse/Neglect Cases
1 hour	Specific Duties of a GAL
1 hour	Responsibilities of a GAL
1 hour	Lunch
1 hour	Five Functions of a GAL
30 mins	Volunteer GAL Job Description
30 mins	Debrief and Questions

<b>Volunteer Supervisor Training- Day 3</b>	
<b>Time req'd</b>	<b>Topic of Discussion</b>
15 mins	Welcome by members of the Training Team and Introductions
15 mins	Debrief from the prior day's material and prep for the day
30 mins	Daily County Office Procedures
1 hour	Family Court & Types of Hearings
1 hour	Lunch
1 hour	Example Day in the Life of a Coordinator- Performing your role

1 hour	Example Day in the Life of a Volunteer Supervisor- Performing your role
30 mins	Monthly Child Well Being Assessments
30 mins	GAL Court Reports
30 mins	Guide to Volunteers to gather information
30 mins	Debrief & Questions

### **Evaluation Method:**

Evaluation of the effectiveness of the training program will be conducted by having an evaluation at the end of the session by the attendees. Evaluations can also be done of the presenters. Continued evaluation will be requested from the supervisor in the office that the staff will be stationed in. Any and all feedback will be taken into consideration prior to the next session being conducted.

The evaluation that the attendees will fill out at the end of each session will be a questionnaire numbered survey. The evaluation performed of the presenters will be requested as comments only, no numbers. The continued evaluation of the staff that attended the training will be done as a Survey Monkey questionnaire request to not take up too much of the county office's time.

After a three (3) month period, the training team will request for the attendees to reevaluate themselves and see if they feel effective based off of the information that they were provided with during training. This one response will make or break the effectiveness of the training program. We will make sure that they have a contact person from the training team to reach out to whenever they have any questions.

### **Summary and Recommendations:**

Based on the feedback received from the initial questionnaires, a training program is much needed in the Cass Elias McCarter Guardian ad Litem program. We cannot expect staff to train volunteers to effectively advocate for children if they have not been effectively trained on how to perform their roles/jobs in the program.

The training program will be set up as a three-day course performed by a team of experienced individuals that work within the program. Evaluations will be conducted after the training by the attendees, by the supervisor in the office the training attendee will be stationed in and three months after the training by the attendee to evaluate themselves. The presenters will also be evaluated on their delivery and knowledge of the information being presented.

### **Sources:**

California CASA Association. (2016) Case Supervisor Training.

National CASA. (2018) Advocates in Action.

South Carolina Guardian ad Litem Program (2010) Case Manager Training.

Texas CASA. (2017) Volunteer Management Resource Manual.

### **Appendices:**

Appendix A: Glossary

Appendix B: Proposed Manual

## Appendix A: Glossary

<b><u>Operational Terms and Definitions</u></b>	
<b>CASA</b>	Court Appointed Special Advocate- term used interchangeably with GAL- both mean an advocate for abused and neglected children
<b>DSS</b>	Department of Social Services- state entity that serves families and provides services to help in the reunification of families. All GAL cases come from DSS.
<b>ETO</b>	Efforts to Outcomes database system utilized by the Cass Elias McCarter GAL Program
<b>GAL</b>	Guardian ad Litem- advocate for abused and neglected children involved with the Family Court system
<b>Program Coordinator I</b>	Staff member that works as a case manager/volunteer supervisor and is supervised by the Program Coordinator II
<b>Program Coordinator II</b>	Staff member that works as the county coordinator and oversees the operation of their respective county, supervised by the regional administrator
<b>Regional/Regional Administrator</b>	Staff member that supervises all county staff, direct supervisor of the Program Coordinator II
<b>Volunteer GAL</b>	Unpaid individual that advocates for abused and neglected children





# Cass Elias McCarter Guardian ad Litem Employee Training Manual

Training Team  
Cass Elias McCarter Guardian ad Litem Program  
Department of Administration

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## A Note from The Team



Greetings,

Congratulations on being selected to join the Cass Elias McCarter Guardian ad Litem Program team. It is our hope that this will be a very rewarding experience for you. The work that we do here in the GAL program has a major impact on the lives of children who have been abused and neglected across the State of South Carolina. Our goal is to provide “the voice” for these children and we’re pleased to be able to introduce you to this program and to help you along on this journey.

As you become acclimated to the program and your job, staff from across the state, will be here to guide you and answer any questions that you may have. Please do not hesitate to let us know if there is anything that we can do to enhance your experience.

Sincerely,

Ms. Keisha N. White,  
Program Coordinator II  
Sumter, Lee & Williamsburg Counties  
Statewide GAL Ambassador  
Cass Elias McCarter Guardian ad Litem Program



## **Cass Elias McCarter Guardian ad Litem Program Implementation**



In 1984, a young woman from Columbia, South Carolina, worked tirelessly in establishing the first state funded volunteer program for child advocacy. Catherine Elias McCarter, affectionately known as Cass, had a vision of protecting South Carolina's children. Through perseverance and hard work, she secured a grant to start a volunteer Guardian ad Litem program. With the help of one assistant, she began to transform her vision into a volunteer force that would eventually blanket the state.

Ella Reese Hinson, one of the first GAL volunteers, was hired as the coordinator to start the Marlboro County program in August of 1984. Working closely with local legislators and judges, Cass was able to quickly expand the idea to other counties. Within five years, a program was operational in every judicial circuit throughout South Carolina.

In 1992, the Legislature placed the GAL program under the administration of the Workman's Compensation Fund. In 1993, a state restructuring bill was passed, moving the Guardian ad Litem program as part of the Governor's Office, (Office of Executive Policy and Programs). In 2015, the program was moved again under the newly formed state agency Department of Administration.

Cass was the director of the program for 8 years. After her retirement, she continued to dedicate herself to protecting and serving children in need. Through her work with the Children's Hospital and the Ronald McDonald House, she devoted herself to improving the health and welfare of children and families in South Carolina.

On March 23, 2004, at the age of 50, Cass Elias McCarter, (pictured above) lost her life to a brain aneurism. To honor the legacy of this remarkable woman, The South Carolina Legislature passed a bill in 2010, changing the name of the program to the Cass Elias McCarter Guardian ad Litem Program.

Cass's dedication to providing a voice for abused children was an inspiration to those around her. Although Cass did not live to see her vision completed, we think she would be very proud of the program she created. Starting July 1, 2010, every child with an abuse or neglect case in South Carolina Family Court has been appointed a volunteer Guardian ad Litem to be their advocate. Cass created a program that is now a nationwide model for the goal of serving all children.

We are honored and grateful that our Legislature recognized the legacy of one dedicated person who gave a voice to all the children who suffer from abuse and neglect in our state.

## Cass Elias McCarter Guardian ad Litem Program Purpose, Mission, Vision & Values

**Purpose:** The purpose of the Guardian ad Litem Program is to give abused and neglected children a voice in family court and a comforting presence throughout a traumatic time. The GAL Program supports volunteers whose focus is the child's best interests rather than the interests of any other person or group. The Program is charged with providing the family court, through its court-appointed volunteers, recommendations, based on the Guardian ad litem's independent investigation of the case.

**The Mission:** The Cass Elias McCarter Guardian ad Litem Program recruits, trains and supervises a diverse pool of volunteers to advocate for abused and neglected children in Family Court.

**The Vision:** It is our vision to provide a volunteer advocate for every child who is the subject of an abuse and neglect case in South Carolina. The vision of the Guardian ad Litem Program is to provide a well-trained, competent, appropriately motivated volunteer child advocate for every child in South Carolina involved in a DSS family court case of abuse or neglect. Further, the vision is to have an effective staff to support the volunteers in their efforts by providing supervision, on-going training and assistance in each case. The GAL Program envisions being an integral part of the child welfare system's improvement.

### Our Values:

Accountability	Every party deserves respect
Advocacy	Excellence
Availability to your volunteers	Integrity
Best interest of a child	Nimble
Child Focused	Objectivity
Collaboration with other agencies	Perseverance and Tenacity
Confidentiality	Professionalism
Consistency	Safe permanent homes for children
Credibility	Safety
Embrace new systems changes	Supportiveness
Every child deserves a well-trained advocate	Timeliness

Every child deserves a safe, permanent home that provides adequately for his or her physical needs and emotional well-being. The Guardian ad Litem Program is committed to helping children find safe, permanent, nurturing homes. The Program values reuniting families when it is safe for the child to return home and moving a child to adoption when the biological home cannot be made safe and stable. We value treating children of every race, ethnicity, ability and religion with equal care and concern.

## **History & Legislative Foundation for the Guardian ad Litem (GAL) Program**

In the United States, English Common Law forms the basis for the use of a Guardian ad Litem in court proceedings involving children and other individuals deemed "incompetent" by age or other disability to adequately represent their own interests. Traditionally, such individuals were appointed a representative - usually a lawyer - to advocate on their behalf in all judicial proceedings.

On January 13, 1974, Congress passed the Child Abuse and Treatment Act (CAPTA) which required states to appoint a Guardian ad Litem in all abuse and neglect proceedings in order to receive federal funding and assistance. In response, South Carolina passed the Child Protection Act of 1977 which, pursuant to Section 63-7-1620 of the South Carolina Code of Laws Annotated, now mandates both the appointment of a Guardian ad Litem and an attorney in such cases.

At the same time as South Carolina passed the Child Protection Act, a judge by the name of David Soukup began experimenting with the use of volunteers in the role of court-appointed Guardians ad Litem in the State of Washington. This decision was based upon Judge Soukup's desire to have more complete information in the cases over which he was presiding. The concept and use of volunteers in this capacity was so successful that it was ultimately endorsed by the National Council of Juvenile and Family Court Judges.

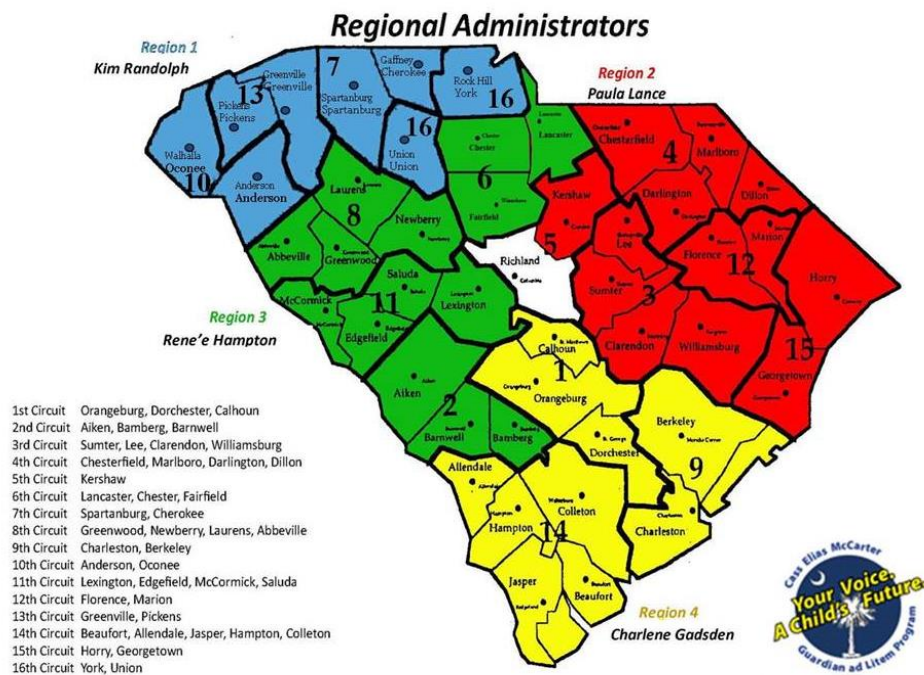
As a result, other programs were developed across the country that similarly began using volunteers as advocates for children in court. In 1984, the National Court Appointed Special Advocates Association (NCASAA) was established to provide support and technical assistance for existing and developing programs and to ensure quality representation of children by volunteers in court.

In the same year that NCASAA was born, South Carolina followed the lead of Judge Soukup and other jurisdictions by establishing one of the first state-funded Programs in the nation utilizing volunteers as Guardians ad Litem in abuse and neglect proceedings. Originally funded by a grant from the Joint Legislative Committee on Children, the program operated from the University of South Carolina and began its initial operation in four judicial circuits. Through implementation of a five-year plan, the program was operational in 45 counties by FY 1988-1989. Richland County had a separate volunteer program that started prior to the state program (1983) and has remained separate from the state program to this day.

In 1988, the South Carolina Legislature enacted S.C. Code Section 20-7-121 et seq. (now S.C. Code 63-11-500 et seq.), which governs operation of the Program and establishes parameters for both the appointment and service of volunteer Guardians ad Litem in family court abuse and neglect cases. Volunteer Guardians ad Litem play a critical role on behalf of abused and neglected children across the state by working to protect each child's interests on a case-by-case, county-by-county basis.

South Carolina Code, Title 63, Chapter 11, Article 5, Section 63-11-500 gives the Creation, purpose and administration of program. Knowing the South Carolina Code that the program was established from, as well as the corresponding Chapters related to Child Welfare will always come in handy.

## Organizational Structure



The Cass Elias McCarter Guardian ad Litem Program is state funded and currently operates in 45 counties within the State of South Carolina's 16 judicial circuits. The Richland County Guardian ad Litem program operates independently from the Statewide Program and is funded as a public-private partnership through various county funds, grants and donations.

The State Office is located in Columbia and is comprised of a statewide Director, County Operations Manager, Business Manager, four Regional Supervisors, Grant Administrator and General Counsel. As previously stated, the state is divided into 16 judicial circuits and a



few of the judicial circuits have a Circuit Coordinator. In these areas, the Circuit Coordinator supervises a County Coordinator who administers the county's program.

Coordinators are responsible for providing pre-service and in-service training, technical assistance, program material, public education, program management and individual volunteer support. In some counties across the state a Volunteer Supervisor is required to assist the Coordinator due to the large caseloads.

The Coordinator receives cases on a county level. The responsibility of matching a volunteer GAL with an individual case lies with local Program staff. The Coordinator and/or Volunteer Supervisor will always be available to assist with any questions or problems the volunteer may have and he/she will help with the preparations for court hearings as well.

While state and county administrative staff serve an important and necessary function within the Program; the volunteers who provide countless hours of dedicated service on behalf of abused and neglected children across the State form the heart and foundation of the Program. These volunteers fuel the Program's operation by giving freely of their time and serving as the voice in court for each individual child within the Child Protective Services System.

On a national level, our Program is a member of the National Court Appointed Special Advocate Association, also known as NCASAA. This association includes similar programs from all 50 states. They may go by names such as ProKids, CASA Volunteers or Guardian ad Litem. As you become familiar with the program, you will come to understand that all of these programs have one common goal; looking out for the best interest of abused and neglected children.





## **Cass Elias McCarter Guardian ad Litem Program Staff Roles and Responsibilities 2018**

**Director:** Oversees all operations, including fiscal and client services for the Guardian ad Litem program. The director's list of duties includes developing policies and procedures governing the State program, provides, guidance, training, consultation and interpretation of policy and procedures to all staff and volunteers. In conjunction with the Budget director prepares, monitors and administers the annual budget for the Guardian ad Litem Program. In addition the director prepares, implements and coordinates recruitment and training of volunteers and full-time staff, collects and analyzes data in preparation of annual reports, presents annual report and program information to the House Ways and Means Committee, coordinates training of staff and the general public and develops and implements additional sources of program funding. The director facilitates positive working relationships with Family Court Judges and members of the South Carolina legislature to gain appropriate support and funding, develops, implements and oversees data collection system (ETO) and maintains an effective and efficient database. Lastly, the director ensures that all staff maintains a harmonious working relationship internally and with external divisions and other agencies.

**General Counsel:** Assists Director with policy development, establishes procedures for cases under appeal, and assists in securing legislation for the program. Acts as a resource attorney for the state and county offices; trains staff and contract attorneys on matters related to the execution of the legal duties of a volunteer guardian ad litem and appointed attorneys as mandated in the South Carolina Children's Code. Assists with the development of policies and procedures that meet the legal requirements of state enacting legislation for the Program. Provides guidance, training, consultation and interpretation of laws, policies and procedures to all staff and volunteers as relates to legal matters. Provides legal advice to staff, volunteers, and attorneys and researches legal matters of concern to the South Carolina Guardian ad Litem Program. Conducts and or coordinates specialized training for staff, volunteers and program contract attorneys. Assists county contract attorneys in all cases requested by county Guardian ad Litem Staff or GAL contract attorneys. Develops and implements strategies in legislative and legal planning activities to ensure the Program's mission is carried out in accordance with Department of Administration mission. Represents the Program in public forums in a positive and professional manner with the legislature, court administration, and other child welfare agencies and programs.

**Director of Operations:** Manages the implementation of policies and procedures for county operations for all counties in the South Carolina program. Supervises all aspects of IV-E Training Reimbursement, including developing claims, reviewing supporting documentation, developing curriculum, and training staff. Supervises the development,

implementation and evaluation of yearly County Growth Plans and Training Plans in coordination with the Regional Administrators. Supervises and conducts volunteer training and facilitator training, and provides technical assistance to county program staff. Manages the statewide marketing plans and materials to recruit volunteers and raise public awareness of child abuse and neglect. Develops individualized or group orientation and staff trainings to enhance basic job knowledge and/or required skills. Works closely with counties needing technical assistance in meeting County and Program goals. Serves as liaison for the Program Director with agencies and organizations as needed. Researches and compiles relevant statistical information concerning child welfare and advocacy on a county, state and national level, and incorporates that information in public awareness campaigns.

**Regional Administrators:** Develops strategic plans and manages a regional area of the statewide South Carolina Guardian ad Litem program in concert with statewide program goals. Interprets regional information for use in development of strategic plans for the statewide program. Participates in the development of program policy and planning of the implementation process. Facilitates routine quality assurance measures to ensure consistency in statewide implementation of GAL program. Analyzes statistical data to determine trends and problem areas and makes recommendations to the Program Director for procedural changes to improve the overall GAL process. Represents Program Director as liaison with state agencies and public and private organizations as necessary. Manages administrative activities within an assigned region. Hires and supervises assigned Circuit/County Coordinators to ensure support of program goals and to maintain organizational efficiency and effectiveness. Develops and conducts individualized or group orientation and in-service training for GAL staff to provide basic job knowledge and/or to enhance required skills. Provides recruitment, training and public awareness support for the assigned region; and evaluates county program effectiveness. Provides consultation and technical assistance to county program staff on complex or problematic cases by interpreting program policies and procedures and making recommendations as to appropriate actions to ensure compliance with state and federal mandates. Works with GAL legal staff to support or re-direct staff or volunteers on specific legal issues as needed.

**State Office Staff- Program Coordinator I:** Responsible for the administration of the state office and coordination of purchase procedures and fiscal management of operational functions of 36 county offices, as some serve more than one county, to include processing travel documentation for reimbursement. Coordinates purchasing for all 36 physical offices and ensure adherence to procurement code. Establishes and maintains a positive working relationship with Department of Administration finance and accounting personnel. Facilitates timely and accurate communication with remote GAL offices per supply orders. Proactively follows up to ensure local offices supply needs are met. Assists Director and

General Counsel with meetings, staff orientations and communications. Handle direct inquiries from staff and the public to appropriate parties.

**State Office- Administrative Coordinator II:** Coordinates business management and financial management services for the 36 locations statewide. Also prepares budgets, monitoring expenses, accounting and monthly report preparation and analysis that track monthly county expenses. Maintain each county office and its expenses. Serves as liaison with Department of Administration accounting and procurement staff to insure proper coordination of financial procurement activities. Generates and maintains contracts for leased equipment, office rental contracts, attorney contracts and acts as the contact person for the program for all 36 county offices. Perform daily procurement and payable activities. Conducts inventory of equipment semiannually. Collects, complies and prepares statistical reports from financial databases (SCEIS) and provides analysis of financial status for the Program. Assist staff with travel documents and process travel reimbursement in SCEIS.

**Grant & Data Administrator II:** Serves as the Grant Administrator to identify grant sources, formulate grant requests and compile grant files and research documentation associated with grant performance. Responsible for database coordination to track cases outcomes for federal reports, children served and volunteer statistics. Provides support, guidance, training and programmatic supervision to staff on database information collection throughout the Cass Elias McCarter Guardian ad Litem Program and compiles measures necessary for CASA national standards compliance. Under limited supervision of the State Director.

**County Coordinator/Program Coordinator II:** Manages the operation of the South Carolina Guardian ad Litem Program within the assigned county/counties. Manages service delivery of child advocacy in the assigned county/counties. Assists with hiring, training, and supervising professional staff within the county office. Develops and implements a yearly County Growth Plan to meet the mission of the program in recruiting, training and supervising sufficient, appropriate volunteers to advocate for abused and neglected children in the assigned county/counties. Participates in the development and implementation of recruitment activities in coordination with the Recruiting/Training Coordinator to recruit volunteers and provide community education about child abuse and neglect.

Implements program policy and child advocacy best practices through staff and volunteer supervision, per requirements of law, regulations and policy. Assigns volunteers to cases and monitors volunteer performance of duties with appropriate supervision and support. Assists and supports volunteer advocacy in Family Court by reviewing court reports and by attending court with the volunteers when required. Ensures assigned children are visited by the court appointed volunteers. Inputs ETO database information and/or is responsible

for its accurate maintenance. Produces reports as needed to monitor progress on County Plan goals and for timely submission to the state Guardian ad Litem office.

Establishes and maintains positive working relationships with the local Department of Social Services, Family Court and other child serving agencies to promote and improve service delivery to abused and neglected children. Attends meetings on program cases when needed. Participates in State Office Staff meeting and other professional trainings as required.

**Volunteer Supervisor/Program Coordinator I:** Provides support, guidance and programmatic supervision to volunteers assigned to advocate in Family Court through the South Carolina Guardian ad Litem Program. Supports office functions necessary for effective volunteer advocacy and assists with recruiting and training new volunteers. Assigns volunteer Guardians ad Litem to DSS child abuse and neglect cases for the assigned county/circuit. Inputs program information as needed into the ETO database for tracking county statistical information. Supports and supervises assigned volunteers in order to ensure implementation and execution of the program's objective of the children's best interests. Knows and implements GAL Program policy, relevant laws and regulations. Plans and supervises volunteer activities. Assists Coordinator with recruitment efforts and volunteer training sessions. Coordinates and conducts continuing education as required. Participates in court hearing with assigned volunteers when needed. Handles special projects as assigned.

**Program Coordinator I (Recruiter/Trainer):** Identifies best practice recruitment strategies and coordinates with counties in developing and implementing individualized Recruitment Plans to meet county recruiting goals before each scheduled training. Provides materials when needed. Facilitates and /or co-facilitates volunteer Guardian ad Litem pre-service 30-hour training sessions using best practice models in the assigned region or as needed. Recruits prospective volunteers through contact with community resources, to include public speaking engagements in the assigned region or as needed. Provides updates to statewide staff of public awareness results and ideas for new campaigns through staff meetings and other communication methods. Promotes publication of Guardian ad Litem Program volunteer recruitment materials and develops positive relationships with potential recruitment outlets. Our State Infrastructure chart is below.

There are currently 36 remote offices across the State of South Carolina. Some counties serve more than one county out of their location and all counties do not have Volunteer

Supervisors. Some counties only have a coordinator that is responsible for the entire office and the area that they cover while others may have a coordinator, a Volunteer Supervisor and an administrative assistant or a coordinator and one Volunteer Supervisor. The larger metropolitan areas require a team and usually have a coordinator, an administrative assistant and anywhere between 2 and 4 Volunteer Supervisors. Case load numbers warrant more staff members in certain areas. Job descriptions will be detailed later on in the manual.

Our Chain of Command is as follows: Volunteer Supervisors supervise volunteers. As a Volunteer Supervisor your direct supervisor is the Circuit/County Coordinator in which you are assigned. The Circuit/County Coordinator supervises their office staff and their volunteers. They answer to the Regional Administrator for the area in which they are apportioned. The Regionals supervise all staff in their assigned regions and they answer to the Director of the Cass Elias McCarter Guardian ad Litem Program. Please remember the chain of command at all times.

## **Cass Elias McCarter Guardian ad Litem County Staff Job Duties/Position Descriptions:**

### **Circuit/County Coordinator-Program Coordinator II**

- Assists with the hiring, training, and supervising of any professional staff within the assigned County Office
- Recruits and trains a sufficient number of GAL volunteers in the assigned county
- Assists with the supervision of GALs in an assigned County Office
- Assigns volunteers to cases and monitors performance duties in addition and in the absence of a Volunteer Supervisor
- Establishes and maintains positive working relationships with local DSS, the Family Court, and other child serving agencies
- Provides continuing education opportunities to volunteers
- Inputs ETO database information and/or is responsible for ensuring accurate entry and maintenance
- Develops PR efforts in coordination with Public Relations Team
- Compiles and analyzes data from the county office to ensure program objectives are being met and policies and procedures are being followed
- Reports directly to the Regional Administrator

### **Volunteer Supervisor- Program Coordinator I**

- Assists in assigning volunteer Guardians ad Litem to DSS child abuse/neglect cases for the assigned county in conjunction with the County Coordinator
- Supports and supervises volunteers in order to ensure implementation and execution of program objectives
- Assists coordinator with recruitment efforts and volunteer training sessions
- Assists volunteers with preparing for court and attends hearings as needed
- Performs administrative functions for the county office in the absence of an administrative specialist
- Enters and maintains information in the ETO database and runs reports as requested
- Reports directly to the County Coordinator

### **Administrative Specialist- Program Coordinator I**

- Performs administrative functions for the county office
- Enters and maintains information in the ETO database and runs reports as requested
- Creates office/GAL files for new cases
- Filing/mailings/answering phones
- Attend meetings when necessary or required
- Reports directly to the County Coordinator

## Common Acronym Listing

ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
ASFA	Adoption & Safe Families Act
BHS	Behavioral Health Services
BMOD	Behavioral Modification Interventionist
BOP	Burden of Proof
CASA	Court Appointed Special Advocate
COC	Continuum of Care
CPS	Child Protective Services
CR	Central Registry
DAODAS	Department of Alcohol and Other Drug Abuse Substances
DDSN	Department of Disabilities and Special Needs
DHEC	Department of Health and Environmental Control
DHHS	Department of Health and Human Services
DJJ	Department of Juvenile Justice
DMH	Department of Mental Health
DOB	Date of Birth
DSS	Department of Social Services
DSM	Diagnostic and Statistical Manual of Mental Disorders
ED	Emotionally Disabled
EMD	Educable Mentally Disabled
EPC	Emergency Protective Custody
ETO	Efforts To Outcomes (Database System)
FAS	Fetal Alcohol Syndrome
FC	Foster Care
FCRB	Foster Care Review Board
FI	Family Independence
GAL	Guardian ad Litem
ICPC	Interstate Compact on Placement of Children
ICWA	Indian Child Welfare Act
IGHC	Intensive Group Home Care
IEP	Individualized Education Plan
IFCCS	Intensive Foster Care and Clinical Services (formerly MTS)
ISCEDC	Interagency System of Care for Emotionally Disturbed Children
JR	Judicial Review
LD	Learning Disabled/Disability
MH	Mental Health

MSL	Minimum Sufficient Level of Care
MSW	Master of Social Work
ODD	Oppositional Defiant Disorder
OEPP	Office of Executive Policy and Program (Governor's Office)
OHAN	Out of Home Abuse and Neglect Investigations
PL	Public Law
PP	Permanency Planning (Also seen PPH-Permanency Planning Hearing)
PRTF	Psychiatric Residential Treatment Facility
PTSD	Post Traumatic Stress Disorder
RTF	Residential Treatment Facility
SIDS	Sudden Infant Death Syndrome
SLED	State Law Enforcement Division
SNAP	Supplemental Nutrition Assistance Program
SSA	Social Security Assistance
SSI	Supplemental Security Income
TANF	Temporary Aid for Needy Families
TFC	Therapeutic Foster Care
TFH	Therapeutic Foster Home
TMD	Trainable Mentally Disabled
TPR	Termination of Parental Rights
WIA	Workforce Investment Act
WIC	Women, Infants and Children



## South Carolina Definitions of Child Abuse

### **Physical Abuse- Citation: Ann. Code § 63-7-20**

Child abuse or neglect or harm occurs when the parent, guardian, or other person responsible for the child's welfare:

- Inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions that present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment
- Abandons the child
- Encourages, condones, or approves the commission of delinquent acts by the child and the commission of the acts are shown to be the result of the encouragement or approval
- Has committed abuse or neglect as described above such that a child who subsequently becomes part of the person's household is at substantial risk of one of those forms of abuse or neglect

Physical injury means death or permanent or temporary disfigurement or impairment of any bodily organ or function.

### **Neglect Citation: Ann. Code § 63-7-20**

Child abuse or neglect or harm occurs when the parent, guardian, or other person responsible for the child's welfare fails to supply the child with adequate food, clothing, shelter, education as required by law; supervision appropriate to the child's age and development; or health care even though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has caused or presents a substantial risk of causing physical or mental injury.

### **Sexual Abuse/Exploitation- Citation: Ann. Code § 63 7-20**

Child abuse or neglect or harm occurs when the parent, guardian, or other person responsible for the child's welfare commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child.

### **Emotional Abuse- Citation: Ann. Code § 63-7-20**

Mental injury means an injury to the intellectual, emotional, or psychological capacity or functioning of a child as evidenced by a discernible and substantial impairment of the child's ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.

**Abandonment- Citation: Ann. Code § 63-7-20**

Abandonment of a child means a parent or guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child.

**Standards for Reporting - Citation: Ann. Code § 63-7-310**

A report is required when there is reason to believe that a child has been abused or neglected.

**Persons Responsible for the Child- Citation: Ann. Code § 63-7-20**

Person responsible for a child's welfare includes:

- The child's parent, guardian, or foster parent
- An operator, employee, or caregiver, as defined by § 63-13-20, of a public or private residential home, institution, agency, or child care facility
- An adult who has assumed the role or responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child
- A person whose only role is as a caregiver and whose contact is only incidental with a child, such as a babysitter or a person who has only incidental contact but may not be a caregiver, has not assumed the role or responsibility of a parent or guardian.

**Exceptions- Citation: Ann. Code § 63-7-20**

- The term child abuse or neglect excludes corporal punishment or physical discipline that is administered by a parent or person • in loco parentis
- Is perpetrated for the sole purpose of restraining or correcting the child•
- Is reasonable in manner and moderate in degree•
- Has not brought about permanent or lasting damage to the child•
- Is not reckless or grossly negligent behavior by the parents•

A child's absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the parents' refusal to cooperate.

## Statutory Requirements

### **§ 63-11-510. Responsibilities of guardian ad litem**

The responsibilities and duties of a guardian ad litem are to:

- (1) represent the best interests of the child;
- (2) advocate for the welfare and rights of a child involved in an abuse or neglect proceeding;
- (3) conduct an independent assessment of the facts, the needs of the child, and the available resources within the family and community to meet those needs;
- (4) maintain accurate, written case records;
- (5) provide the family court with a written report, consistent with the rules of evidence and the rules of the court, which includes without limitation evaluation and assessment of the issues brought before the court and recommendations for the case plan, the wishes of the child, if appropriate, and subsequent disposition of the case;
- (6) monitor compliance with the orders of the family court and to make the motions necessary to enforce the orders of the court or seek judicial review;
- (7) protect and promote the best interests of the child until formally relieved of the responsibility by the family court.

### **§ 63-11-520. Persons prohibited from appointment as guardians ad litem**

No person may be appointed as a guardian ad litem for a child in an abuse or neglect proceeding who has been convicted of any crime listed in Chapter 3 of Title 16, Offenses Against the Person, in Chapter 15 of Title 16, Offenses Against Morality and Decency, in Article 3 of Chapter 53 of Title 44, Narcotics and Controlled Substances, or for the crime of contributing to the delinquency of a minor, provided for in Section 16-17-490.

### **§ 63-11-530. Guardian ad litem to represent best interests of the child.**

The guardian ad litem is charged in general with the duty of representation of the child's best interests. After appointment by the family court to a case involving an abused or neglected child, the guardian ad litem shall receive appropriate notice of all court hearings and proceedings regarding the child. The obligation of the guardian ad litem to the court is a continuing one and continues until formally relieved by the court.

(A) The guardian ad litem is authorized to:

- (1) conduct an independent assessment of the facts;
- (2) confer with and observe the child involved;
- (3) interview persons involved in the case;
- (4) participate on any multidisciplinary evaluation team for the case on which the guardian ad litem has been appointed;
- (5) make recommendations to the court concerning the child's welfare;

(6) make motions necessary to enforce the orders of the court, seek judicial review, or petition the court for relief on behalf of the child.

The guardian ad litem is authorized through counsel to introduce, examine, and cross-examine witnesses in any proceeding involving the child and participate in the proceedings to any degree necessary to represent the child adequately.

**§ 63-11-540. Right of access to information and records.**

All reports made and information collected as described in Section 63-7-1990(A) must be made available to the guardian ad litem by the Department of Social Services. Upon proof of appointment as guardian ad litem and upon the guardian ad litem request, access to information must be made available to the guardian ad litem by the appropriate medical and dental authorities, psychologists, social workers, counselors, schools, and any agency providing services to the child.

**§ 63-11-550. Confidentiality of records and information.**

(A) All reports and information collected pursuant to this sub article maintained by the South Carolina Guardian ad Litem Program, or a county guardian ad litem program operating pursuant to Section 63-11-500(B), are confidential except as provided for in Section 63-7-1990(C). A person who disseminates or permits the unauthorized dissemination of the information is guilty of contempt of court and, upon conviction, may be fined or imprisoned, or both, pursuant to Section 63-3-620.

(B) The name, address, and other identifying characteristics of a person named in a report determined to be judicially unfounded must be destroyed one year from the date of the determination. The name, address, and other identifying characteristics of any person named in a report determined to be judicially indicated must be destroyed seven years from the date that the guardian ad litem formally is relieved of responsibility as guardian ad litem by the family court.

(C) The director of the South Carolina Guardian ad Litem Program or the director's designee, or the chief administrator of a county guardian ad litem program operating pursuant to Section 63-11-500(B), may disclose to the media information contained in child protective services records, if disclosure is limited to discussion of the program's activities in handling the case. The program may incorporate into its discussion of the handling of the case any information placed in the public domain by other public officials, a criminal prosecution, the alleged perpetrator or the attorney for the alleged perpetrator, or other public judicial proceedings. For purposes of this subsection, information is considered "placed in the public domain" when it has been reported in the news media, is contained in public records of a criminal justice agency, is contained in public records of a court of law, or has been the subject of testimony in a public judicial proceeding.

### **GAL: Volunteer vs. Private**

Volunteer Guardians ad Litem (GALs) are individuals who have been appointed by a family court judge to represent the best interests of children who have entered the family court system due to abuse or neglect. Volunteer GALs have completed mandatory training with the S.C. Guardian ad Litem Program and have been accepted by the Program for court appointment. These volunteers give freely of their time and are governed by the rules and regulations of the Program, as well as the provisions of S.C. Code Ann. 63-11-500 et seq. (2008 Supp). State law requires that every child who enters the family court system due to abuse or neglect be appointed a guardian ad litem. (S.C. Code Ann. 63-7-1620.) Assistance and supervision of Volunteer GALs is provided by local Program staff, as well as the state office. An attorney is always appointed to represent Volunteer GALs.

On the other hand, a Private Guardian ad Litem is appointed in private actions before the family court involving issues of custody or visitation. Requirements pertaining to qualifications, training and other matters related to serving as a Private Guardian ad Litem in family court cases are provided in S.C Code Ann. 63-3-810 et seq. Private Guardians ad Litem usually charge for their time on a case and their fees are usually paid by the parties involved, either by agreement or court order. The Children's Law Center can provide more information about serving as a Private Guardian ad Litem.

## **Local Laws Governing Child Abuse & Neglect Cases**

The state, tribal, and/or local laws that govern child abuse and neglect define terminology related to abuse, neglect, and dependency, and they outline the procedures for responding to cases of child maltreatment to ensure that the rights of children and families are protected. The South Carolina Children's Code determines what is to be done by whom, from the initial report of suspected abuse until the case is closed. Specifically, these laws outline:

1. Definition of child abuse or neglect (ref.§63-7-20);
2. Requirements for reporting suspected child abuse and neglect (ref.§63-7-310);
3. Responsibility of the Department of Social Services to offer protective services and to screen and investigate reported incidents of child abuse and neglect (ref.§63-7-910);
4. Conditions under which the Department of Social Services is required to invoke the jurisdiction of the court (ref.§63-3-510);
5. Circumstances under which children may be removed from their homes (ref.§63-7-620);
6. Responsibilities and duties of the GAL volunteer (ref.§63-11-510);
7. Guidelines judges must follow and options they may choose as they make decisions about the child's placement, care, or treatment (ref.§63-7-1610 and §63-7-1670);
8. What the law requires of parents (ref.§63-7-1680);
9. What judges must include in their court orders;
10. Conduct of hearings (ref.§63-3-590);
11. Confidentiality of family records (ref.§63-7-1990);
12. Termination of Parental Rights (ref.§63-7-2510);
13. Infants left in hospitals - Daniel's Law (ref.§63-7-40);
14. Principles for Child Welfare Services (ref.§63-7-10);
15. Withholding health care for religious reasons (ref.§63-7-950);
16. Kinship Foster Care;
17. How unfounded reports of child abuse/neglect are handled by DSS (ref. § 63-7-900);
18. Custody of an illegitimate child (ref. §63-17-20).

(For a full review of the South Carolina Children's Code of Laws please refer to [www.childlaw.sc.edu](http://www.childlaw.sc.edu))

## Specific Duties of a Guardian ad Litem

Following the completion of training, GAL volunteers must sign a contract that requires them to fulfill the role assigned to them, while respecting the confidentiality of all information and/or reports revealed.

- Upon assignment to a case, interview all relevant parties in the case to determine the facts [§63-11-530]. Some interviews are by phone, while others must be in person. The GAL must visit the child regardless of his/her age. In addition, any home suggested as a permanent or temporary placement for the child should be visited when feasible or possible.
- Explore alternatives available for the child, e.g., living with relatives, foster placement, etc.
- Prepare a written report for the Family Court stating findings and recommendations for permanent disposition of the case [§63-11-510].
- Attend all court hearings (35-day Merits, Motion, Review and Permanency Planning Hearings) to make recommendations to the court [§63-11-510].
- Assist in the implementation of any plan prescribed by the court, whether recommended in your GAL report or not [§63-11-530].
- Continue to maintain regular contact with the child, the family and others to monitor progress toward goals prescribed by the court [§63-11-510].
- Bring any significant changes in the family situation to the attention of the court. Attempt to ensure that reviews by the court are done on schedule [§63-11-530].
- Attend all additional review hearings. Continue monitoring, submit supplemental reports and make new recommendations, as necessary, until a final disposition is made.
- Return all case records and notes to the GAL program when the case is closed.
- GAL volunteer respects the child's right to privacy by maintaining confidentiality [§63-11-540].
- GAL volunteer complies with all applicable statutory requirements pertaining to confidentiality of client information [§63-11-550].

## **The Responsibilities of the GAL Volunteer**

- Maintain strict confidentiality. As an officer of the Family Court, the GAL is bound by a strict code of confidentiality. A GAL may not share any information regarding a case with any unauthorized person or agency. A GAL can and should exchange information with:
  - Program staff
  - Family Court personnel
  - Department of Social Services personnel
  - Your court-appointed attorney
- Access to confidential records obtained by GAL volunteers is limited to the court, GAL Program Staff, authorized DSS personnel, and others outside DSS whose request for access to confidential information is permitted by statute or the court.
- All records are to be safely and securely maintained.
- Attend In-Service training sessions arranged or approved by the Coordinator to remain current on developments in the legal code and in issues of abuse and neglect.
- Upon successful completion of pre-service training and acceptance of a case, serve as GAL for at least one case until a permanent plan has been implemented.
- Keep your Coordinator informed of all activities and confer with him/her regularly.
- Maintain an up-to-date and complete file on each assigned case.
- Meet all deadlines and timetables involving an assigned case and submit all reports on time.
- Complete evaluations and other simple surveys that may be requested in order to monitor the entire GAL Program.

The Family Court will hear the GAL's case and the court may order the parents to fulfill certain goals before the child can be returned home. These goals are designed to alleviate the conditions that led to the child being removed from the home and are usually based on the recommendations of DSS and the GAL. The child's future with the family will be determined by the parent's progress in meeting these goals. For that reason, the GAL's monitoring of the progress of the case is of paramount importance.



## **Acknowledgment Of Agreement, Statement Of Confidentiality, Mandated Reporting Requirements, Prohibitions Of The Practice Of Law And Provision Of Counseling**

Case Name:

Docket #: 2018-DR-00-1234

Minor Child:

This will acknowledge that I have been asked to provide guardian ad litem services on the above-referenced case and have agreed to represent the minor \_\_\_\_\_ in this matter.

Further:

- ◆ I have read and agree to abide by the Cass Elias McCarter Guardian ad Litem Program Volunteer Guidelines. Additionally, I have read, signed and agree to abide by the Program's Volunteer Agreement.
- ◆ I am aware that Cass Elias McCarter Guardian ad Litem Program Policy prohibits:
  - the transporting or housing of children for whom I am appointed.
  - the transporting or housing of defendants on cases to which I am appointed.
  - the giving of gifts to children or defendants in cases to which I am appointed.
  - the use of recording equipment (e.g., tape recorders and video cameras) at any stage of the case.
- ◆ I have read the regulations governing the confidentiality of all facets of this case (§63-11-550) and understand that any release (oral or written) of information made available to me through my investigation, to persons not directly involved in this matter constitutes a breach of confidentiality. I therefore further agree to refrain from relating details of this case, in any manner, to persons not substantially connected with this case.
- ◆ I have read the statutory provisions set forth in S.C. Code Ann. 63-7-310, governing the requirement that, as a volunteer Guardian ad Litem for the Cass Elias McCarter GAL Program, I am required to report to the county department of social services or to a law enforcement agency in the county where the child resides or is found information that I receive which gives me reason to believe that a child has been or may be abused or neglected as defined in Section 63-7-20. I understand further that upon receipt of information that gives me reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by actions or omissions committed by a person other than the parent, guardian, or other person responsible for the child's welfare, I must report the same to appropriate law enforcement. Finally, I understand that I am subject to criminal penalties set forth in S.C. Code Ann. 63-7-410 should I knowingly fail to report as required in S.C. Code Ann. 63-7-310.
- ◆ I understand that I am prohibited from providing legal advice to the minor child(ren), parties to the action, or any other individual involved in this case, including, but not limited to, foster parents, relatives of the child, and relative/non-relative placements. I

understand further that I am prohibited from taking any other actions that would constitute the unauthorized practice of law and that the unauthorized practice of law is a crime under state law.

- ◆ I understand that I am prohibited from providing counseling services to the minor child(ren), parties to the action, or any other individual involved in this case, including, but not limited to, foster parents, relatives of the child, and relative/non-relative placements.

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Guardian Signature

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Date

The acknowledgment document listed above is what the volunteers sign when they take a case each time. This is a constant reminder of what we are limited in doing. Please make sure that you as staff are also aware.

## **Five Functions of a GAL Volunteer**

Guardian ad Litem volunteers perform five important functions: investigator, reporter, spokesperson, monitor, and protector.

As a GAL investigator, you will independently assess the allegations that led to the initial involvement of the Department of Social Services and the court. You will visit with and interview the child, depending upon his or her developmental age. The child may be staying with relatives, or placed in a temporary shelter or foster home. Whatever the child's location, it is important to assess the child's well-being and determine the child's particular needs so that you can make appropriate recommendations during the pendency of the action in court.

The parents and/or Guardians of the minor child will need to be interviewed, particularly if they are also named as the alleged perpetrator of the abuse or neglect which is the subject of the court action. Information gleaned from this interview will help you to assess the condition of the home, as well as the strengths and weaknesses of the child's family and primary custodian(s).

It will also be necessary to make an appointment with the Department of Social Services so that you can read and review records and information connected with the case. These records contain valuable information regarding the child and the family's history that will assist you in assessing the allegations and determining what additional records you may need.

After your initial interviews with the family and child, you may decide that it is either appropriate or necessary to interview other individuals or professionals such as law

enforcement officers, teachers, medical and mental health professionals, relatives, and neighbors.

Throughout this part of your role as investigator, it is important to keep any information regarding the child and family confidential. Such information can only be shared with appropriate parties who are confined to or connected with the court process.

As a GAL reporter, it is your duty to collect critical information prior to trial and to submit your recommendations to the court in the form of a written report. Your local Program office will provide you with assistance in preparing your report, which should contain a summary of the information gained, as well as recommendations regarding placement of the child and treatment issues related to the family. As a volunteer GAL, your focus should always be on the best interests of the child throughout your involvement with the case.

As a GAL spokesperson, you will be present at all court hearings to serve as the voice for the child during the proceedings. At the time of your court appointment, you will be assigned an attorney who will serve to assist you in preparing for any hearings. It is important to meet with your attorney prior to trial so that you can determine what action, if necessary, is needed in advance of your hearing. This might include filing certain pre-trial motions and subpoenaing witnesses who may have valuable information to share with the court.

It is also likely that you will be asked to testify in court regarding your investigation and the basis of your recommendations. Because the court's ultimate decision must be consistent with the best interests of the child, judges are particularly interested in hearing your perspective in the matter. They value your role in the system and appreciate the input which you contribute in helping them reach an informed decision in the matter.

As GAL monitor, you will monitor the child's physical, emotional, psychological, and educational needs throughout the case. In between hearings, you will serve as the eyes of the court to ensure that the family is making progress towards the completion of any court-ordered treatment, and that the agencies involved are providing all necessary services.

Until treatment objectives are met, most children remain in foster care or other temporary placement for a period of time. In your role as monitor, it is important to periodically visit this placement to make sure that the child has adequately adjusted to the situation and is doing well.

As GAL protector, you will provide emotional support for the child and take any and all action necessary to protect the child's interests throughout the case. As previously

mentioned, you should be present for all staffings and hearings concerning the child so that you can clearly state the child's position in the matter. If it appears that any issues related to the case can be settled by the parties outside the courtroom arena, you must be included in the discussions, negotiations, and settlement, so that the child's best interests are represented and considered.

In some cases, it may be necessary for the child whom you are representing to testify in either family court and/or a related criminal proceeding. As appearing in court to testify against their perpetrator can be traumatizing to a child, it may be necessary to enlist the assistance of others to help prepare the child in advance of the proceedings.

Now let's get into the specific duties of staff in the county offices. You must first understand the role of the volunteer to better understand the support and guidance that you will be providing to them.

## **Daily Office Procedures**

Not every office in the State of South Carolina is going to perform their daily duties in the manner that will be outlined in this manual as different people perform differently. With this manual I am in hopes that there can be a more streamlined process.

On a daily basis we should always keep in mind that we can:

- Make a contribution to the GAL mission of advocacy for abused and neglected children
- Discover cultural, psychological and social factors that influence trends in child abuse.
- Improve communication skills
- Increase self-awareness of personal work habits and ability to work with others
- Explore, discover, and gain experience in a profession one may wish to follow
- Observe the forever evolving Family Court process, and attend meetings with other agency partners
- Build relationships with other partners in the child welfare and public service fields
- Be responsible, flexible and have a sense of adventure. Much of GAL's work occurs in the field and may involve court appearances, training and traveling, etc.
- Maintain an open, non-judgmental attitude; listen, learn, and experience diverse cultures
- Understand and comply with GAL rules, principles and operating philosophy
- Be part of a professional team that includes over 90 staff members and 2200 volunteers
- Realize that this field requires your time, dedicated attention, commitment and the drive to effectively advocate and be a catalyst for change.

### Telephone Procedures:

When you answering a call you always say the following phrase, exactly as written:

“It’s a great day in South Carolina, Department of Administration, Guardian ad Litem Office,  
this is \_\_\_\_\_, how may I help you?”

### Checking Voicemails:

Ensure that all voicemails are checked when you come into the office for the day as well as throughout the day in case any calls are missed.

**Please make sure messages are taken as accurately as possible  
(voicemail or answered call)**

**Mailbox Procedures:** Mail should be checked daily between 12pm and 2pm by the Volunteer Supervisor. Volunteer Supervisor will then have the task of date stamping all mail received and inputting the mail into ETO on the day it is received. After this is completed the Volunteer Supervisor will give all mail to the coordinator to review and sign off on. The coordinator will return the mail and place the mail in the to be scanned or to be filed box so that any hearing notices or FCRB notices received can be scanned and emailed to the assigned volunteer and then filed in the case file.

Court orders received by mail should be reviewed and inputted into ETO by staff, preferably on the day it is received. They should also be scanned and sent to volunteers for review especially if they attended the hearing. The volunteer can double check the information that is in the order for accuracy. If they didn’t attend the hearing then it provides them with the information from the hearing. If they don’t agree with something in the order then they can let staff know so that we can make DSS aware of the correction that is needed.

**Email Communications and Correspondence:** No email should be sent to volunteers or DSS personnel without the coordinator seeing it first. The coordinator may have the answer to a question that you may have. If you intend to send an email please type it and send it to the coordinator before sending to anyone so that it can be reviewed for accuracy.

All emails require the signature listed below:

**Your name in Times New Roman, Bold size 12 font**

*Your position in Times New Roman, Italicized, size 10 font*

*Guardian ad Litem Program*

*Office of Executive Policy and Programs*

### The South Carolina

#### Department of Administration

410 West Liberty Street, Suite 101, Sumter, SC 29154

(803) 773-9771 | (803) 436-2835 fax

**How to become familiar as new staff:** Familiarize yourself with the office. Learn locations and contents of file cabinets and desk. Get your work area situated. Locate all necessary paperwork and binders.

Learn how to use office machines and ask questions if you have not used them before.

Find list of volunteers and write letter of introduction by email. Send email to the coordinator for delivery to the volunteers.

Begin reading case files. Do 5 – 10 a week depending on workload. Take notes as you read.

Read the volunteer management notebook. Take one section at a time. Write down questions as you read so that you can ask questions at the appropriate time.

Familiarize yourself with the case filing system and ETO. Learn how to open and close case files correctly and by following the ETO manual that you have been provided with.

Go to pre-service volunteer training as soon as possible and attend an in-service so that you can meet the volunteers.

Research different agencies that provide services to children and their families. Learn what services they offer. Some of these agencies would be Mental Health, DAODAS, group homes, counseling services, etc.

After you have completed volunteer training, you should get with the coordinator on taking a case to experience being a volunteer GAL. This has to be approved by State Office.

### **General Overview of duties performed in county offices:**

**Assigning cases:** Information necessary to assign a case:

1. Type of case
2. Date of Merits hearing
3. Number and ages of children
4. Location of children and parents

Veteran guardians should be assigned to sexual abuse cases. New GALs are assigned cases that are relatively simple, if at all possible.

**Assigning cases to GALs:** When a case is assigned to a new GAL, they are asked to come to the GAL office to pick up the case file. This visit is done to make certain that the GAL understands all of the documentation and, more importantly, understands the importance of their duties and what they are required to do. The GAL signs all of the forms necessary to have them work as the guardian on that particular case.

Once a GAL has had a case and done well, they can be assigned a more difficult case. The new case information can be mailed to them, and they are asked to sign all pertinent forms and mail them back to the office. Some prefer to come to the GAL office and pick up the case.

A guardian should not carry more than three cases at any one time and must have a Standard Exception Form signed in their file if they are carrying more than the 3 limit.

**Monitoring cases:** When a case has been assigned, the GAL is contacted after a week to ascertain if the following contacts have been made:

1. DSS caseworker
2. Children and parents
3. Foster or Group home, if applicable
4. DSS case records reviewed or copy received
5. Medical/ counseling personnel contacted if necessary

Regular telephone contact is a priority with all guardians ad litem. Contact between your office and veteran GALs can be once a month (after the Merits hearing has been heard). Contacts with new GALs is more frequent simply because they are not yet experienced in working on cases and should have more questions than experienced GALs.

Daily telephone calls are to be expected from GALs regarding problems and case questions. These problems and questions should be handled as quickly and efficiently as possible by all of the GAL staff. Each conversation regarding a case should be written up and placed in the case file after being reviewed by the appropriate staff person.

**Case notes:** Case note forms are used to record telephone and personnel contact between GAL staff and guardians, caseworkers, attorneys, and others. This form documents the contact and gives a history of the conversation including the problem, resolution, or update to the cases. These forms are filed in the case file and become a part of the permanent record of the case.

Monthly monitoring forms are used by the GALs to keep the office informed about the status of the case. All GALs are asked to fill these out and send them in. If no monthly monitoring information is received from a GAL, that volunteer should be called and the monitoring information taken over the telephone. The monitoring book is maintained to show receipt of these forms (and information received over the phone). After the form is checked off in the book, it is then filed in the case file.

**Report Editing:** Prior to the hearing on a case, the GAL should submit a written report. The report should be submitted one week prior to the hearing so that the staff can review, edit, and make any and all corrections, if necessary.

It is the job of the coordinator (or Volunteer Supervisor) to review the report and ensure that all of the pertinent information has been recorded in an accurate manner. All changes made by the GAL staff should be approved by the GAL assigned to the case.

When the report is completed it needs to be signed by the volunteer in BLUE INK only. This is what distinguishes it from its copied versions. After the volunteer has signed the report then it needs to be taken to Family Court for the 2 original copies in blue ink to be stamped, and clocked. Staff will receive one copy back while the other gets filed in the court file for the Judge.



Once the report has been edited, approved by GAL, typed, signed and clocked then copies should be made for all parties from the copy that was given back to you from Family Court.. Copies should be made for the DSS attorney, caseworker and/or DSS Supervisor, defendant's attorneys, GAL, and the GAL attorney. One copy is kept for the case file. The judge got the signed copy that was put in the court file. You can also email the report to the parties a day or so before the hearing. This is usually done with the approval of the Coordinator.

**ETO:** ETO has to be kept up to date in order for accurate numbers to be reported to state office. All new cases, hearings and face to face visits need to be put into ETO on a daily basis. ETO will be discussed separately from this manual.

**New case pleadings procedure:** Once new pleadings are received, they will be date stamped and scanned and put on the Shared Drive by the Volunteer Supervisor into the case file. If no case file is listed on the shared drive under the county the case is in, please ensure that a folder is made and named with the case name (mother's last name) and the first and last numbers of the docket number. The cases will then be given to the coordinator to be put on the new case listing and assigned to a volunteer.

The Coordinator will assign the volunteer that they think will best fit the case and give the pleadings back to the Volunteer Supervisor with the name of the volunteer on it for the volunteer appointment order to be done and for the file to be made. The appointment order should be done and taken to the court house as soon as possible. The coordinator will contact DSS for the contact information on all new cases.

When volunteers agree to take a case the first task that needs to be completed is the Appointment Order and taken to be signed, clocked and filed with the Clerk of Court.

A packet is then put together for them. The Volunteer Supervisor will then make the case packet that includes the letter thanking them for accepting the case, the acknowledgement form agreeing that they will abide by all rules and requirements, the court hearing notice stating the date and time of the hearing and the date the report is due to the office, the contact sheet with all contact information for the defendants and placement of the child(ren), a copy of the hearing outcome form and a copy of the pleadings.

(Side Note: Make sure the case is entered in ETO in the mother's last name at all times and the start date shall be the day it was received in the office.) It should be entered in a timely manner, either before the packet is made or directly after.

Once the packet is made, picked up and the case file completed; the case file can then be placed in the file cabinet. All case files should be placed back in the file cabinet prior to leaving for the day. **No files should be left on desks overnight due to security reasons and confidentiality.**

If you pull a file out of the drawer, please input an OUT card in its place until you return it. Please sign out the file on the OUT card with your initials in the taken by column, the name and docket number in the name column and the date. When you bring the file back, please remove



the OUT card and simply put a line through your initials showing that you no longer have the file and returned it to its file drawer.

### **Volunteer Supervisor duties:**

-Volunteer Supervisors are to make initial packets on every case once assigned to a volunteer. This packet will be given to volunteers with the case pleadings upon acceptance of a new case. These documents are on the shared drive in their designated folders. When you are in the process of making the initial packets, you always save each form with the case information on the shared drive in the case folder.

- Volunteer Supervisors are to make weekly contact with volunteers that are currently assigned to active cases. Bi-weekly contact is required with volunteers that are not currently assigned to cases. This is very important for rapport building and for moral purposes. Volunteers need to feel involved and appreciated just like staff. Check in with them, ask about their life happenings. Ask about children, spouses, school, etc. If you need a refresher look in the volunteer file at their autobiography. Have an interest in your volunteers as people, not just as names on cases.

**- Volunteer Supervisors will participate in daily morning staffings with supervisors to know the plan for the day and bi-weekly case staffing to know the status of all active volunteers and any and all cases on the case load. The coordinator and Volunteer Supervisor will agree upon a designated day/date for the bi-weekly staffings.**

- Staffings will include doing each case individually and then developing a list of questions to pose to the volunteer. If no monitoring is in the file, when was the last time the volunteer saw the child? Is mom/dad working their treatment plan? Is the placement of the child still accurate? What is the status of permanency for this child? Are TPR pleadings filed or in the works? Is there an adoptive resource?

- Volunteer Supervisors will send reminders to currently assigned volunteers for them to turn in their monthly monitoring reports. This should at least be done by email or by phone when you are checking in. The consistency with the volunteers is needed.

- Volunteer Supervisors are asked to keep up with the monitoring on a monthly monitoring chart. It will be the Volunteer Supervisor's responsibility to keep the chart up to date that is already on the shared drive under each county when monthly monitoring reports are sent in.

- Volunteer Supervisors will also assist with training of new volunteer guardian ad litem as needed. Training is a vital portion of the program and has to be conducted regularly to ensure that your county has enough volunteers at all times. There are three (3) different formats for training:

1. Traditional- This is the 30 hour pre service training that is conducted in person at a location of the Coordinator's choosing. Each volunteer receives a volunteer manual in a three ring binder and is in a classroom setting with others. I personally find this to be the most effective training as you become personable with your volunteers and the

group activities and discussions are what brings the class together and makes them truly dedicated and autonomous volunteers.

2. Flex Training- This training is for those individuals that work or have a number of obligations and can do 15 hours online and 15 hours in person in the office. This training is mainly used in the bigger areas and proves to be very effective. The training consists of case studies that are used to demonstrate the work of GAL volunteers.

### **Foster Care Review Board**

Foster Care Review Board is held monthly in some counties, bi weekly in others and every other month in the rest. The purpose of FCRB is to review the cases of children in foster care. All agencies involved with the child(ren) present their information pertaining to the case and then the GAL is asked their recommendation as far as to what we feel the permanent plan for the child or children should be.

Any issues or concerns pertaining to the case can be presented at this time and they take those into consideration when they make their recommendation for permanency. There is no final outcome like a court hearing; It is just a recommendation, just like GAL recommendations, that will be presented to the judge at the appropriate time. This is an awesome information gathering session for GAL. The review board notices should be scanned and emailed like hearing notices when they are received in the mail.

-When the Coordinator receives the agenda, an email is sent out making the GAL's aware of the review. If they are unable to attend they are to send an update summary the Friday before the review board. If they are attending they are asked to bring nothing but their permanency recommendation.

-A Staff Member should always be present at FCRB; this serves as support for the Volunteer and also gives any new staff the chance to see/meet the volunteers that they have not already met and to become familiar with the cases.

- Notes should be taken during the discussion of each case and very thorough. Do not write in shorthand as those types of notes cannot be understood by all reviewing or receiving the notes.

### **Staffings and/or Meetings**

Legal Staffings are held at DSS sometimes prior to the upcoming court date, (usually). The Coordinator will decide if these meetings will be attended by GAL Staff.

- County MDT meetings are held in each county with a team of service providers. The Coordinator will decide if the meetings will be attended. The MDT Board, comprised of Law Enforcement, DSS, Family Resource Center, YWCA and GAL, staff cases that require insight from partners.

- County Interagency meetings are held as well with different county agencies.

**Prospective Volunteers:** When a message or call is received, please fill out the prospective volunteer form and put on the desk of the coordinator. Same if someone drops by. They will be contacted within 24 hours.

**Court Hearings:** Please make sure that a hearing outcome form is filled out for each hearing heard that involves GAL. These forms are used for ETO Entry and are vital to the case file. They should be filled out thoroughly and with complete details. Do not write in short hand as those types of notes cannot be understood by all reviewing or receiving the notes.

**Court Reports:** Court reports should be turned in at least a week in advance. This gives the staff ample time to review, suggest what edits need to be made and discuss any issues or concerns with the GAL Atty prior to the morning of the hearing.

All reports should be submitted to the office and signed no later than 2 days prior to the hearing so they can be clocked and filed 2 days before the hearing. Once clocked and filed, the reports should be scanned and emailed to the GAL Attorney, the DSS Atty, DSS Paralegal and the DSS Supervisors.

The DSS legal paperwork (Summons and Complaint) states that GAL reports must be ready 48 hours in advance to be viewed by any party. This is the reason for the early turn in date.

The job of the Volunteer Supervisor is to ensure that all court reports are done in the correct format and that all information is included. The reports should be typed in Times New Roman 12 font and should include the background information from the DSS Court Information Sheets.

Court reports are a vital aspect of the GAL program. These reports document what the volunteers have done during their independent investigation and who they have interviewed. Court reports are required at all hearings that involve an appointed Guardian ad Litem and the guardian is required to be in attendance as well. This would include all merits hearings, including interventions, review hearings, permanency planning hearings and termination of parental rights hearings. Each hearing requires a different viewpoint from the volunteer and staff needs to ensure that all court reports are situated in that manner.

**Monthly Monitoring Reports:** Monitoring reports are to be in the office by the last day of the current month. Coordinators have reports that are due that require their face to face dates by the 5th of the following month. We will ask them to please do not wait until the last day of the month to conduct visits unless you are able to get your monitoring form into the office that same day.

Please check in with the volunteers regularly to ensure that they are making contacts on their cases and actually seeing their kids.

### **Leave/SCEIS**

All leave should be requested in advance. Make sure you take leave for time out of office that is not pertaining to anything work related. When the phone doesn't get answered, calls come in asking where staff is. The office is supposed to be manned at all times during work hours.

Lunch is an hour and has to be taken between the hours of 11am and 2pm.

### **Outlook Calendar**

Calendars must be completed by noon on Friday for the following week. If you are going to be out of the office for any reason, please have it on your calendar. Your calendars should be shared with the Coordinator and that way you don't have to invite your supervisor to each individual item you put on the calendar. The Coordinator will also make sure that you have access to their calendar as well. This calendar should be emailed to the coordinator if you are a Volunteer Supervisor and to the Regional Administrator if you are a Coordinator.

### **IVE Continuing Education**

Coordinators have to offer at least 15 hours of continuing education per year. This is the reason for the monthly in services and the occasional articles and videos that are sent out. Staff is also required to obtain 12 hours of continuing education per year. The fiscal year runs from July 1<sup>st</sup> to June 30<sup>th</sup>. This is the year that the GAL program uses.

### **Monthly Reports**

There are a number of reports that Coordinators have to turn in to state office on a monthly basis and all reports are based off of accurate information being inputted into ETO:

Accountability Report- shows the numbers for the county (volunteers, cases, closed cases, court hearings, recruitment efforts and monthly in service information)

Face to Face Report- tracks which volunteers are actually seeing their children. This report is on the shared drive and the Volunteer Supervisor will input when volunteers see their children by the monthly monitoring reports being turned in.

Every month staff submits IVE spreadsheets. These are reports that document how your time has been spent during each month. Coaching done with any of the volunteers and volunteer training are the most important times documented. Please refer to your IV E training PowerPoint.

### **Recruitment**

Coordinators are responsible for recruiting in their county. It is one of the job duties that coordinator's recruit and train enough volunteers to serve the children that come into care in their county. They should know their community, be out in the community, participating in events, county meetings such as Interagency, etc. If you know of any events in the area please let your coordinator know.

Volunteer Supervisors assist with this task by being aware of what is going on in the community, making the coordinator aware and always looking for recruitment opportunities. They also participate in events that are help for recruitment purposes and for the retention of the current volunteers.

## Case File Set Up Instructions

### Section 1:

Initial Case Information Sheet. Case files must indicate who the Volunteer Supervisor is in counties with more than 1 staff member. This should be on the Initial Case Information Sheet.

Order of appointment for the volunteer and his/her attorney or Sub Order

Signed Agreement of Confidentiality

### Section 2:

Monitoring Reports, Case notes

### Section 3:

Placement Progress Summary Notes

Reports: Psychological reports, Medical Data, School Reports

### Section 4:

Correspondence, FCRB Notices, FCRB Reports, FCRB Summaries written by the volunteer

### Section 5:

GAL Court Reports & Recommendations

### Section 6:

Legal Paperwork

- Summons and Complaints

- Court Orders (keep proposed order until final order is received)

- Court Information Sheets

- Hearing Outcomes (in order)

- Treatment Plans

- Subpoenas

## Closed Case File Procedures

Cases need to be closed in a timely manner to ensure that data is kept current for reports to be completed and for administrative and operational purposes. ETO accuracy is essential to the program.

When cases are closed by Family Court and closed in ETO, please store them as follows:

Remove case paperwork from classification folder and store in manila envelopes with case name & # on the outside. Please remove all paperclips and metal clasps. The classification folders should be recycled. Also put the closure date on the outside of the envelope.

### **Internal Case Audits**

Periodically, an audit is performed on all cases by the office staff. to ensure the following are in each case file:

1. Documentation appointing GAL
2. Documentation requiring GAL signatures
3. Orders from court proceedings signed by judge
4. Monitoring forms received, read, and filed
5. Case notes indicating contact with GAL
6. Pertinent records, such as medical, school, counseling, etc.
7. Correspondence

In doing this audit, it is helpful to use an audit form. Once the audit is complete, staff members begin to resolve problems that surfaced during the audit.

### **Staffings**

There are some cases that require a “staffing.” This is a meeting where the GAL, coordinator (or Volunteer Supervisor), DSS caseworker, therapist, school personnel, and/or attorneys meet to discuss the case. The GAL can ask for a staffing when he or she feels it is necessary for the case to move forward or to resolve differences that affect the children. Notes should be kept of what occurs during this meeting. Follow-up letters to confirm any action or decision should be written. It can be a very valuable tool and can be successful in resolving difficult issues.

**If you are unsure of how something should be done, please ask your Coordinator and do not assume you know how it is supposed to go. This causes more problems down the road.**

## **Family Court**

Guardians *ad Litem* have legal standing in the Family Court. Occasionally, you may be appointed to represent a child in Family Court while there is a parallel case in Criminal Court. Criminal charges are generally confined to sexual abuse and severe physical abuse cases. Your involvement in the criminal process would be limited. You may attend hearings to provide emotional support to the child, but you will not be a party to the action as you are in the Family Court. You could be called to testify as a witness in the criminal case.

Family Court and Criminal Court differ substantially. In a Criminal Court trial, a jury determines whether the accused has been proven guilty. The standard of proof is "beyond a reasonable doubt". If the accused is found guilty, or if he/she pleads guilty without a trial, the judge determines an appropriate sentence. The sentence may include incarceration,

mandated rehabilitative services (such as conditions of probation), fines and/or restitution to the victim.

Family Court is not punitive, although judges are empowered to issue sanctions when appropriate. Family Court provides a forum for the impartial review of all complaints of child abuse and neglect. It also seeks to protect children from further injury that may have resulted from abuse or neglect and strives to protect the constitutional and statutory rights of both children and parents. The Family Court may order treatment and services for families in which abuse and neglect has occurred. The court will work closely with social service providers to implement plans for treatment and the improvement of the family situation so the child will be protected.

Child protection cases are also monitored and many are reviewed at least once a year to assure that DSS decisions are timely and responsive to the child and the family, and to assess the family's progress toward fulfillment of their treatment plan.

In most cases, the standard of proof in Family Court is "a preponderance of the evidence." This means that the greater body of the evidence must support the allegation before the judge can find that abuse or neglect has occurred. Termination of parental rights and some child endangerment cases must meet a higher standard of proof known as "clear and convincing evidence."

### **Organization of Family Court**

In South Carolina, the Family Court is organized by judicial circuits. There are 16 circuits in our state and each has a Family Court. Sumter County is in the Third Judicial Circuit which is comprised of Sumter, Lee, Williamsburg and Clarendon Counties. Family Courts are courts of record, which simply means that a court reporter will take down and record the testimony and the judge's ruling and charges. There may be two to four Family Court judges in each circuit, depending upon the size and caseload of the circuit. There is a chief Administrative Judge in each circuit who handles administrative duties in addition to other judicial duties. At the current time, Judge Angela Taylor is the Chief Administrative Judge in the Third Judicial Circuit. Judge George McFaddin, Jr. and Judge Gordon B. Jenkinson are the other Judges in the Third Judicial Circuit.

All Family Court judges in a circuit, including the Chief Family Court judge, rotate among all counties in the circuit and among the circuits in the state under the direction and supervision of the Chief Justice of the Supreme Court. The rotation of the judges may depend upon financial concerns in the State.

In addition to child abuse and neglect cases, judges in the Family Court also hear and rule on cases of divorce, including child custody, annulment, adoptions, child support, termination of parental rights and juvenile criminal cases.

### **Procedures in Family Court**



Family Court hearings involving child abuse and neglect cases are confidential and not open to the public as a general rule. There are no juries in Family Court. Evidence is presented according to the rules of procedure, and the judge determines whether the allegations have been proven. All parties to a case have the right to be notified of hearings in a timely manner, the right to be represented by an attorney and the right to fully participate in proceedings. By state law, indigent defendants have the right to have an attorney appointed for them by the court. However, to have an attorney, a defendant must request one and complete the necessary forms. The GAL should be familiar with the process in his/her county so that, should a defendant tell the GAL of his/her desire to have an attorney, the procedure can be explained, and continuance of the case due to a belated request for an attorney, thereby avoided.

To initiate Family Court intervention, a Summons and Complaint must first be filed with the court. The complaint is the document filed (usually by DSS) in Family Court that lists the allegations against the parents and the "facts" of the case. A copy of the complaint must be delivered to the defendants within the statutory time frame prior to the hearing on that complaint. If proven, the allegations in the complaint will form the basis for court intervention. The official papers must be served on all the parties to the action, and this is usually done by a law enforcement officer. If someone's whereabouts are unknown, notice of service may have to be published in a newspaper. The GAL is considered to be an interested party to the action and, once appointed, will be served notice of all hearings in that action. Attendance by the GAL at all hearings is required.

Defendants have 30 days to answer the complaint. If no answer is filed within that time period, the defendant can be held in default. If a defendant in default does not appear at a judicial proceeding, the judge may decide to allow the hearing to proceed anyway, or the judge may decide to continue the hearing until a later date.

During a Family Court hearing, DSS presents its evidence first. Evidence can include not only witness' testimony, but also exhibits, which may be allowed to be introduced without testimony under the rules of evidence. DSS is represented by its attorney. The defendant would then present evidence, usually through an attorney.

At any time during either of these presentations, testimony may be given. Witnesses can be questioned by the DSS attorney, the defendant's attorney or the GAL attorney. Witnesses can be compelled to come to court and/or bring particular documents or records through a subpoena. Any party can subpoena witnesses through their attorney.

As a GAL, you are able to subpoena witnesses and present evidence or testimony through your attorney. If it is not necessary for you to present verbal testimony, the judge will usually ask for your input at the conclusion of the hearing, either directly from you or through your attorney. At that point, you can tell the court what you believe should happen in the child's best interest by your attorney presenting your court report and stating that it is in the court file and has been distributed to all parties in the action.

At any point during a hearing, it is possible for all parties to come to an agreement concerning the disposition of a case. Any party, including a GAL, may initiate a discussion



regarding a settlement the DSS attorney and the defendant's attorney present to the court. The court may accept or reject the agreement. In the Third Judicial Circuit this is usually done at the 35-day merits hearing.

Any meeting or discussion regarding a settlement or agreement should be attended by you and/or your attorney. All parties must be in agreement before a judge can issue an order. If a settlement is reached without your consent or the terms are not what you originally agreed to, you should let the judge know.

At the conclusion of a hearing, the judge can issue an order or take the case under advisement. If the latter happens, the judge has 30 days to issue an order. You need to remember that the judge determines whether evidence is admissible; he/she also makes the decision regarding the final outcome of the case. You help him make an informed decision through the report you submit.

The actual order will then be reduced to writing. The DSS attorney typically has the responsibility for writing the orders and sending them to the judge for review and signature. An order should be served on all parties to the action.

If all parties are present in the courtroom when the judge verbally issues the order, the order goes into effect immediately. Otherwise, it becomes effective when all parties receive the order.

The Coordinator/Volunteer Supervisor will complete a Hearing Outcome Form for each hearing attended. When the order from the hearing is received, the Coordinator and/or Volunteer Supervisor will be able to use the Hearing Outcome Form to check the order for accuracy. Office staff will send the assigned GAL a copy of the order. If anything is stated incorrectly, the assigned GAL should notify the Coordinator at once, for it may be that an amended order should be prepared for the judge's review.

### **Child Abuse and Neglect Court Timelines (child has been removed from home)**

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Within 72 hours of emergency removal

**PROBABLE CAUSE HEARING**

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Within one business day of start of abuse or neglect investigation

**FILING OF COMPLAINT FOR REMOVAL**

---

Within 35 days of filing of removal petition

**REMOVAL/MERITS HEARING**

---

Within 12 months of the child's placement in foster care

**PERMANENCY PLAN HEARING**

---

Within 60 days of receipt of court order finding termination of parental rights (TPR) is permanent plan

**FILING OF COMPLAINT FOR TPR**

---

Time set for hearing

**TPR HEARING**

---

Within 30 days of close of TPR Proceedings

**PLAN FOR PERMANENT PLACEMENT OF THE CHILD TO COURT AND GUARDIAN AD LITEM**

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Within 60 days of close of the TPR proceedings

**PLAN FOR IMPLEMENTATION OF THE PERMANENT PLAN FOR THE CHILD TO COURT AND GUARDIAN AD LITEM**

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## Family Court Hearings

For a case to enter the Family Court system, the first step is for DSS to file a complaint alleging that the child has been abused and/or neglected. The child may be removed from the home under an emergency custody order or a complaint may be filed without taking the child into custody. The filing of the complaint can trigger the appointment of a GAL volunteer to serve as the child's advocate during the court case.

### 72- Hour/Probable Cause Hearing

If a report to DSS indicates that a child is in danger in the home, immediate contact with the child and family will be made. A police officer is the only person who may take a child into custody without prior authorization by a court order; this is called **Emergency Protective Custody (EPC)**. The police officer will then transport the child to a shelter or foster home and the DSS Child Protection Intake Unit becomes involved to assess the situation. DSS, through its attorney, will file the complaint for removal of custody, and the case **must come before the court within 72 hours of the child's being taken into EPC**.

The purpose of this 72-hour hearing is to allow the court to review the emergency action, determine whether probable cause for the removal existed and resolve where the child should reside. If, after hearing the facts and allegations presented in the complaint, the court orders that the child should not be returned to the parents, the child must remain in DSS custody pending a hearing on the merits. Parents' eligibility for court-appointed counsel may also be determined and a written order will be generated.

There is another way children can come into care and that is by means of an **Ex Parte Order**. If DSS is in the process of investigating a report or if they are working with a family in a treatment case without court involvement, and circumstances arise which lead DSS to believe that the child is in imminent danger of abuse or neglect, the agency can petition the court for an order authorizing them to place the child in foster care until a 72-hour/probable cause hearing can take place. The judge would review the written

information from DSS and determine whether or not to authorize the child's placement in foster care for this brief period of time.

In most instances, the GAL will not be formally appointed until after the 72-hour hearing. However, if you are notified that you may be appointed to this case, you should attend the 72-hour hearing if possible. This is an opportunity to gain valuable information through the testimony presented. It is also a good opportunity to introduce yourself to the defendants and arrange appointments to meet with them at a later time. As a rule, the GAL does not make a recommendation at this hearing.

### **35- day/Merits Hearing (child is in foster care)**

The purpose of the Merits hearing is to prove the allegations set forth in the complaint and the burden of proof lies with DSS. This hearing must be held within 35 days of the child coming into DSS custody. All parties to the action, including the GAL, have the right to call witnesses and offer evidence. Witnesses may be asked to wait outside the courtroom until they are called to testify. When all parties have finished presenting their case, the judge will announce his/her decision or take the case under advisement and announce a decision at a later date.

This hearing is also for the purpose of deciding what will occur in the treatment phase. Usually, the caseworker submits a list of goals in the form of a treatment plan that outlines the parties' responsibilities and expectations. The GAL will also make recommendations independent of DSS; they may be the same as those of DSS, but they may differ. If they are adopted as part of the court order, they will be added into the treatment plan. It is important to note that in many counties the date and time of the merits hearing are set at the same time the complaint is filed and the 72-hour hearing is set.

For that reason, the Merits Hearing is scheduled for 15 minutes only and it is often known as a "first call" of the Merits Hearing. At this first call Merits Hearing, DSS will present its Treatment/Placement Plan. If all parties, including the parents and the GAL, agree with the plan, the agreement will be read into the court record and it will become the order of the court. If there is disagreement on any issue, the case will be continued until it can be scheduled with sufficient time allowed for all parties and their witnesses to testify and present evidence.

If the court finds, at the end of the Merits Hearing, that there is probable cause to find that the child was abused and/or neglected it will determine placement and custody of the child. A Treatment/Placement Plan will also be court-ordered and written notice will be given to the parents that failure to fulfill the terms of the plan can result in termination of the parents' rights to the child.

If the plan is changed at any time following the 35-day Merits Hearing, the changes must be approved by the court. If everyone agrees to the changes, the court can approve the plan without the necessity of a hearing. The plan can also be changed if anyone requests a hearing and demonstrates to the court a need for the plan to be changed; evidence would be taken at a hearing of this sort.

### **35- day Intervention Hearing (sometimes called Merits Intervention Hearing)**

DSS may initiate services to a child and family in cases where the child can be protected without being removed from the home. If the family refuses to cooperate with services offered by DSS, the agency may petition the Family Court if there is reason to believe that services are necessary to protect the child's health or welfare. The Family Court then schedules a hearing within 35 days after the filing of the complaint and a GAL will be appointed for the child.

This Intervention hearing will follow the same format as in a Merits hearing. If the court finds that the child has been endangered or physically injured and if it is determined that intervention by DSS is necessary to protect the child from further harm, services will be offered. A Treatment Plan will be offered to the court for approval, and the GAL may have other recommendations that become part of the order of the court.

In these cases, the court will specify a date by which the Treatment Plan must be completed. State law specifies that intervention cases will be automatically closed at that time without any necessity for another court hearing unless the court order specifically states that the case should be heard again prior to closure. If there is to be another hearing, the order will also state a time frame for that hearing, not to exceed twelve months from the time of the initial hearing.

Intervention cases should be closed no later than eighteen months after they began, unless there is clear and convincing evidence that the child will be threatened with harm if the case closes.

### **Permanency Planning Hearing (child is in foster care)**

State law requires that a hearing take place no later than one year after a child has been taken into custody. The purpose of this Permanency Planning Hearing is to review the status of the child and the progress that has been made toward the child returning home or toward any other permanent plan that was stated at the Merits Hearing. If the court decides that the child can be returned home without unreasonable risk of harm, the court will order that the child is to be returned home. The court can also order that the placement of the child is to be supervised for up to an additional twelve months.

If, at this hearing, the court determines that returning the child home is not to occur, the court will order DSS to begin the process of terminating parental rights. If the court finds that the child may be able to return home within the next six months, the court may order the plan to be extended for that period of time, but that is the only extension that can be allowed before DSS must begin termination of parental rights proceedings.

There are times when termination of parental rights is not right for a child. If that is the case, there are options available at the time of the permanency planning hearing. They are:

- Custody being granted to a relative or other suitable person. In that event, up to one year of supervision may be ordered.

- Extended foster care for a child with special needs. In the event the child is less than ten years old, clear and convincing evidence must be given to show that the child has special needs.
- A plan of Independent Living for a child who is at least sixteen years old and is not willing or able to adapt permanently to a new home.
- Specialized foster care, such as a treatment facility, for a child with a physical, mental or psychological problem. Also, for a child who is unwilling or unable to accept and/or adapt to a permanent placement, foster care may be extended.

### **Judicial Review Hearing**

A Review hearing is an in-court review of case progress. By law, it must take place at least annually but a review may be requested by any party at any time. The party requesting the hearing has the responsibility of notifying all other parties.

At these hearings, the court will review the work done by DSS, the level of cooperation from the parents and what remains to be done to successfully rehabilitate the family. If the conditions that brought the case to the attention of the court have been alleviated, the case will close. If not, the court will determine what remains to be done and it will specify a date by which time this should be accomplished.

### **Motion Hearing**

A Motion Hearing is an application to the court which requests a certain action, order and ruling by the court. If a Motion is necessary, the GAL should work with the Coordinator to prepare a summary for the GAL attorney indicating what relief is requested and why it is necessary. The Motion would include background information to advise the court of the circumstances leading to the filing of the Motion.

### **Termination of Parental Rights Hearing**

Once a child has lingered in out-of-home care with inadequate or only marginal improvement by the family, termination of parental rights may be the only alternative to ensure permanence for a child. The effect of Termination of Parental Rights is to free the child for adoption and this step is generally considered a last resort.

### **Monitoring**

Monitoring becomes the most important responsibility of the Guardian ad Litem. The GAL must see that the child does not lose importance to those involved in his life, that his needs are met and plans for him are developed that will give him permanency and stability.

To accomplish this, the GAL must do the following:

- Make at least monthly contact with the child to ensure that his physical and emotional needs are being met. All reasonable efforts should be made to have face-to-face contact with the child each month in his placement.

- Assess ongoing compliance with the court order by the parent and all agencies providing services, such as DSS, Mental Health counselors and Substance Abuse treatment workers. Parents should also be contacted to discuss developments and progress with them.
- Notify the GAL office each month of the status of the case and any developments. The office will provide a form that will facilitate in this, but the GAL should notify the Coordinator at once of any development that substantially changes the status of the case.

**Monitoring is mandatory; it is not an optional part of being a Guardian ad Litem.**

Monitoring is required by state law [§63-11-510] and the guidelines of the South Carolina Guardian ad Litem Program. Any GAL who experiences difficulty with the process of monitoring must get in touch with the Coordinator without delay. There may be assistance that can be offered through the county office, but the GAL must remember that failure to fully monitor is a breach of the commitment to the child, in addition to being a violation of program policy and state law.

### *Example Day In the Life of a Coordinator*

I arrive in the office between 630am and 700am. I enjoy arriving before the hustle and bustle of the day begins. I start my day before the phone starts ringing and the door is knocked on every 30 minutes.

I immediately check the desk phone for voicemails. If there are voicemails on the phone I make sure that I take an accurate written message of the voicemail. I then place the message on the desk of who it was intended for if not for me.

I then check my email and print out any information that was received that I had not had an opportunity to print or that did not go to all staff. This includes any monitoring or other information that needs to be printed to go in ETO and/or the case file.

Next I update my calendar with any meetings or appointments that have been added since I last updated my calendar and I print out a to do list from a handy website [www.calendarsthatwork.com](http://www.calendarsthatwork.com) , I use the **Tasks for the Month** sheet for my daily to do list. It has a small calendar in the upper left hand side that I find very helpful.

On this To do list, I list out every task that needs to be completed that I am aware of. An example of items that I put on my list include:

1. Check email, messages, mail
2. Update all calendars
3. Assign new cases
4. Reassign cases from Jim- print contact sheets to find available gaurdians
5. File all paperwork from hearings on the 23<sup>rd</sup>
6. Request upcoming docket for court

7. Check on status of notices
8. Do in service wrap up email and schedule next monthly in service

The list is done this way on a daily basis. Anything that I do not get finished on the day it is put on the list goes on the list for the next day.

As the day progresses I do the items that are on the list and add items as different things happen. The purpose for me adding to the list is to remind myself that it is completed and when it was completed.

If this is a day or month that requires reports to be completed then I remind myself that:

- All Eto has to be in the system for the Accountability report to be completed. This is due on the 5<sup>th</sup> of every month to the regional supervisor, Nickie Linville and Cherie Walker.
- The face to face spreadsheet has to be updated by the Volunteer Supervisor every time a monthly monitoring form is turned into the office. This is due by the 15<sup>th</sup> of every month to the regional supervisor.
- IV E require an extra push for training to be conducted and for newer volunteers to be coached. Every employee submits IV E. Volunteer Supervisors submit to the coordinators for the coordinators to submit to the Regional Supervisor and to Cherie Walker.

As the day goes on and depending on what day of the month it is, emails are sent out to the volunteers to remind them about turning in their monthly monitoring forms and to not wait until the end of the month to see their assigned children. Some volunteers may see their children but will not send in monitoring reports. These volunteers can be contacted by phone and a telephone monitoring sheet can be filled out to go in ETO and the file.

If court is around the corner, reminder emails are sent to remind volunteers that reports are due at least a week in advance of the hearing. If the cases came in and there has not been at least two to three weeks to prepare then the office staff will type the template for the report. This includes the first page, the case pleadings and court history and the background (if there is one). The volunteers will only need to send in the current situation, conclusion and recommendations.



## **Example Day In the Life of a Volunteer Supervisor**

The work day starts promptly at 830am. Some Volunteer Supervisors find it necessary to arrive earlier than the start time so that they can get ready for the day ahead. Depending on what your day entails, whether it be a court day, foster care review board or staffings, arriving 15 minutes or so early can be very beneficial to what gets accomplished during the day.

Immediately perform the administrative duties, check the voicemails to see if there were any messages that came in after hours or early morning, make sure the trash was taken out the day before at the close of business and maybe even check the mail. Write the voice message(s) up for the recipient and be sure to include the time, person, return number and reason for the call.

Sitting down with your supervisor before the work day begins is an essential aspect of a smooth and work invested work environment. This daily morning staffing should include all staff ready to jot down any notes that need to be addressed during the course of the day.

The next task should be a to do list. This should include anything that wasn't completed from the day before, any paperwork needed for any upcoming staffings, fcrb or court hearings. Check your email and print out any pertinent information that may have come in overnight. This may include monthly monitoring forms, placement changes or case updates from caseworkers. All information that is case related should be put into ETO as time for the volunteers.

Daily Duties: This is not an exhaustive list and changes can be made accordingly.

- Check email, voice messages, mailbox
- Empty Trash at the close of business in all rooms
- Morning staffing with Supervisor for Action plan for the day
- Any appointment orders or substitution orders needing to be done (at some point during the day check the box at the courthouse for any that have been dropped off recently)
- Reminder emails sent about foster care review board, upcoming court hearings, monthly monitoring forms, voca logs, etc
- Ensure that all paperwork received, either by email or mail, is put into ETO and filed in the case files.
- Perform your regular check ins with volunteers.

When mail is check it needs to be stamped, entered into ETO, scanned and emailed to volunteers assigned and then given to the coordinator for review before filing.

When calls come in, ask who the person is before giving the call to someone else.



Phone messages should be delivered immediately.

Emails need to regularly be sent out to the volunteers to remind them about turning in their monthly monitoring forms and to not wait until the end of the month to see their assigned children. Some volunteers may see their children but will not send in monitoring reports. These volunteers can be contacted by phone and a telephone monitoring sheet can be filled out to go in ETO and the case file.

If court is around the corner, reminder emails are sent to remind volunteers that reports are due at least a week in advance of the hearing. If the cases came in and there has not been at least two to three weeks to prepare then the office staff will type the template for the report. This includes the first page, the case pleadings and court history and the background (if there is one). The volunteers will only need to send in the current situation, conclusion and recommendations. The Coordinator may do this email as well. You can also check to see if it has been done or if they would like you to send this email.

### **Support & Supervision**

GAL volunteers need support in the work they do. Their work touches many disciplines- child abuse and neglect, criminal justice, child growth and development, family systems, social services, and the law. Few people are experts in all these fields. GAL volunteers come from all walks of life and have various work and educational backgrounds. They are effective advocates because they work energetically and creatively to improve the lives of abused and neglected children. They need support and encouragement as they make recommendations to the court about what is in the best interests of the children for whom they advocate.

**Program Staff Support-** A strong relationship with program staff is vital; they will assign cases, monitor case progress, review reports and records, and help solve problems. They are a source of resources and answers to questions that you encounter, as well as a source of support in your work. They are ultimately accountable for the work done on all the program's cases.

**In-Service Training-** It is helpful to take advantage of opportunities for additional learning about the many facets of GAL volunteer work that are introduced in this core training curriculum. National CASA standards require twelve hours per year of in-service training. Local program staff will outline the resources available for in-service training.

**Peer Relationships-** Within program guidelines, working with other GAL volunteers is an effective way to strategize, problem-solve, and get moral support in this work.

**Self-Care/Personal Support Network-** Because of the time demands, stress, and frustrations that can be part of this job, it is important to have social and emotional support, and to take care of yourself so you don't burn out.

### **GAL VOLUNTEER MUST DO'S: 5 core requirements**

- **Complete an Independent investigation**
  - Conduct an independent investigation to gather facts and continue researching cases to ascertain the needs and wishes of the child.
- **Visit the children a minimum of every 30 days**
  - Monitor the case until the child is in a safe, permanent home and relieved by the court.
- **Submit a monthly monitoring report each month**
- **Attend court to include writing a court report for each hearing**
  - Consistently design and present to the court fact-based recommendations so that appropriate resources can be ordered to meet the needs of the child; and
- **Advocacy for the child**
  - Collaborate with the child (when possible), the child's family, the child protective services agency, and other service providers to identify the appropriate resources for meeting the needs of the child and to determine where those resources are available.

#### **BEING PRO-ACTIVE IS NOT:**

- > Stepping outside of your role. You cannot get things done by taking over someone else's job. For example, the guardian ad litem should not act as caseworker by scheduling appointments, arranging transportation, etc. The guardian ad litem cannot act as lawyer by drafting legal documents or directly addressing the court unless requested. The guardian is not part of a judge/attorneys conference.
- > Forgetting the courtesies, traditions, procedures that govern the court system. Advocacy in an adversarial system does not mean being rude to other parties, no matter how intensely you disagree.
- > Ignoring requirements of the legal system. You must articulate reasons for recommendations, and these should be supported by evidence.
- > The guardian ad litem does not have the right to choose foster parents or an adoptive family. The adoption is normally a separate action, and the adoptive parents can select the guardian ad litem.
- > Being pro-active does not mean taking the most drastic action first. Always try to resolve problems informally first. Talk directly with the others involved, and their supervisors if needed, before taking the issue to court.

> Harassing people. Unannounced visits should be at reasonable times, and you should avoid contacting parents at work unless they have given consent. You should expect your phone calls to professionals to be returned, but allow others a reasonable amount of time to do so.

I look forward to our continued working relationship together. Any and all further information that you may need can be obtained from your local office staff. There is also a volunteer manual that includes an abundant amount of information and details the Guardian ad Litem volunteer's role, duties and requirements.

## Monthly Monitoring Reports

63-11-510(4): Statutory requirement that a Guardian ad Litem keep accurate, written case records.

Monthly Monitoring Reports are completed to comply with requirement that there be written documentation.

Monthly Monitoring Reports are submitted **EVERY** month, even if you did not see the child for some reason.

Record child's address, especially if it has changed.

Record time spent face to face with child.

Record time spent of different activities during the month.

Record mileage even though the Program cannot pay you for miles driven.

Provide update on each child. Be descriptive.

1. Home (do not include the names, addresses or phone numbers of the Foster Parents in your Court report.
2. School
3. Services
4. Family of Origin

The reporting period covers the entire month (ex: July 1 through July 31) and are due to your Volunteer Supervisor on the fifth of the month for the previous month (ex: July reports are due on August 5). Please contact your Volunteer Supervisor if you have any questions or concerns.

**Monthly Monitoring Report**

GAL Name \_\_\_\_\_ Month/Year \_\_\_\_\_  
Case Name \_\_\_\_\_ Docket # \_\_\_\_\_ Mileage: \_\_\_\_\_

**Section A. GAL Volunteer Hours****Face to Face Contacts with children:**

Name of child	Where Seen: (foster home, school, etc)	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

If you did not have a face to face visit with your child(ren), please explain here: \_\_\_\_\_  
\_\_\_\_\_

**Total Face to Face Hours visiting children**

Hours: \_\_\_\_\_

Other Hours: Attended Court (including waiting and travel)

Hours: \_\_\_\_\_

Attended Foster Care Review:

Hours: \_\_\_\_\_

Other: (Include phone, mail, report writing, meetings, travel)

Hours: \_\_\_\_\_

**Section B: Child Placement:** (Complete this section only if placement changed during the month. We need to be able to locate all children in case of an emergency.)

Child(ren) Name

New Placement of Child

_____	_____
_____	_____
_____	_____
_____	_____

**Section C: GAL Assessment of Child:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section D: Case Update:** (new information or concerns about your case)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Section E: (Complete by GAL Staff Member)**

Report Received by GAL Office \_\_\_\_\_ (date received)

OR Phone Report received on \_\_\_\_\_ (date) BY: \_\_\_\_\_ (Staff Member Name)

## Court Reports

63-11-510(5) Statutory requirement that the Guardian ad Litem make a report to the Court:

“... provide the family court with a written report, consistent with the rules of evidence and the rules of the court, which includes without limitation evaluation and assessment of the issues brought before the Court and recommendations for the case plan, the wishes of the child, if appropriate, and subsequent disposition of the case;”

**You cannot use an old Court report.** Something must have changed since the last Court hearing. At a minimum, you must:

1. Update Court Hearing information
2. Update the information about the child
3. Update information on Defendants' progress or lack there-of on the Treatment / Placement Plan unless TPR'd.
4. If TPR'd, must provide update on progress toward permanence (adoption).

Documents reviewed should include more than DSS Pleadings or DSS Case Files. If possible, GAL should obtain their own copies of documents from the source rather than relying on copies of documents from DSS.

It can be helpful to write your Recommendations for each Defendant first, and then provide information in the body of the report explaining what behaviors need to be changed to remedy the conditions that prevent reunification.

Write **SMART** goals.

**Specific:** (The Defendant, Grandpa Smith, will submit to hair and urine drug testing at Accu-Diagnostics. This testing will be paid for by DSS).

**Measurable:** (Results of testing).

**Attainable:** (Often required measurement among Defendants where substance abuse is alleged).

**Relevant:** Make sure all information is fact based and there are no recommendations that are not directly related to the facts of the case.

**Time Bound:** (Example: No later than 5:00 PM today).

We cannot practice outside the scope of Guardian ad Litem.

1. Cannot diagnose: Be assessed at mental health for the presence or absence of a diagnosable condition and follow all recommendations.
2. We are not substance abuse counselors. Be assessed at the Phoenix Center and follow all recommendations.

For **each** child:

1. **Home** – Information about where the child is living and how he/she is doing in the placement:
  - a. Behavior/Relationships with other in the placement and in the community.

- b. Sleeping/Eating habits
- c. Concerns of Caregiver
- 2. **School** – Information about the child’s academic placement and behaviors at school
  - a. What grade?
  - b. Kind of Class? (regular ed, special ed, self-contained, etc.)
    - i. Regular Ed - Behind # of grades: “At age 16, he is in the 8<sup>th</sup> grade, having repeated 2 grades”.
      - 1. Advanced Placement: “She excels in math and is currently taking AP Calculus”.
      - 2. Average: He is a B/C student who always has a positive attitude”.
    - ii. Special Education – “She is a Special Education student being served in an ED Self-Contained classroom”. “He is mainstreamed but is served in a Resource Class for Math”.
- 3. **Services:** What services is this child receiving, why, how often, what progress is being made and how is progress assessed?
  - a. **Therapy**
    - i. For specifically what issues/behaviors (i.e. trauma related to being sexually abused, trauma related to witnessing domestic violence, grief and loss issues, anxiety related to abandonment, diagnosis of intermittent explosive disorder, etc.)
    - ii. What kind of therapy? If child has trauma issues, is the therapy trauma focused?
    - iii. How many sessions/how long does therapist believe therapy will be required?
  - b. **Medical Services**
- 4. **Family of Origin** - Visitation with parents? Who does the child talk about missing? Sibling visitation and contact? Response to contact or lack of contact? If child has been TPR’s, progress toward identification of adoptive resource or adoption services being utilized (Heart Gallery, Wendy’s Wonderful Kids, FCRB focus child, etc.).

**You MUST include the child’s wishes.** This is best placed in the conclusion of your report.

Conclusion: Summarize the bottom line. If, unfortunately, a judge chose only to read your Conclusion and Recommendations, what would you want him/her to know? Include child wishes but be specific about what you believe is in the child’s best interest.

Court Reports are due in the office 5 days before Court. They must be in the standardized format of the Program. No reports or documents can be submitted to the Court if they have not been reviewed by the GAL staff.

Cass Elias McCarter Guardian ad Litem Program  
Report and Recommendations of the Volunteer Guardian ad Litem  
Third Judicial Circuit, Sumter County

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This report was prepared for the benefit of the Court and is of a confidential nature. It may be distributed to parties to the proceedings only.

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**CASE NAME:** \_\_\_\_\_ (Case Name)

**DOCKET NUMBER:** 00-DR-00-0000

**TYPE & DATE OF HEARING:** (Merits/Permanency Planning/Judicial Review/TPR)  
(Date hearing is scheduled)

**RE: MINOR CHILD(REN):** \_\_\_\_\_, DOB \_\_\_\_\_ AGE \_\_\_\_\_  
\_\_\_\_\_, DOB \_\_\_\_\_ AGE \_\_\_\_\_

**MONTHS IN PLACEMENT:** \_\_\_\_\_ (list each child)

**NUMBER OF PLACEMENTS:** \_\_\_\_\_ (list each child)

**NUMBER OF CONTINUANCES:** \_\_\_\_\_ (for 1st hearing write N/A)

**DEFENDANTS:** \_\_\_\_\_, mother  
\_\_\_\_\_, father  
\_\_\_\_\_, other relatives,  
significant other, etc.

**GUARDIAN AD LITEM:** (Your Name)

**PERSONS INTERVIEWED:** (use ones that are applicable to your case)

1. \_\_\_\_\_, minor child(ren)
2. \_\_\_\_\_, mother
3. \_\_\_\_\_, father
4. \_\_\_\_\_, maternal grandmother
5. \_\_\_\_\_, daycare worker at \_\_\_\_\_
6. \_\_\_\_\_, teacher at \_\_\_\_\_ Primary School
7. \_\_\_\_\_, pediatrician (or family physician)
8. \_\_\_\_\_, emergency room nurse
9. foster parents (do not name foster parents even if the defendants know who they are)
10. \_\_\_\_\_, DSS Caseworker
11. \_\_\_\_\_, police officer

**DOCUMENTS REVIEWED:**

1. DSS Case File
2. Psychological Evaluation of \_\_\_\_\_ by Dr. \_\_\_\_\_
3. Emergency Room record of (include date and name of hospital)
4. School Attendance record of (include child's name and school name)

**CASE PLEADINGS AND COURT HISTORY:** As per the complaint filed by the Department of Social Services, (this is usually copied directly from the Complaint for Removal and will be filled in by the GAL Office, if deleted from the report.) List all hearings in order of occurrence such as:

**A 72-Hour Hearing was held Date.** The Honorable name of judge presided. The Court found that probable cause existed and ordered that: List items ordered by the court. (Use a brief paragraph for each hearing. This history is added to after each hearing and builds an easily followed record of the orders made in the case. It shows the length of time the case has been in court and it shows successive and/or excessive continuances.)

**CASE BACKGROUND:** (List any prior DSS involvement.)

**CURRENT SITUATION:**

**Child A:** (Describe each child's situation; the topics that may be included depending on the age of the child, his needs and the facts of the case, include: current placement, history of placement, psychological health, physical health & medical needs, relationship to parents and siblings, safety concerns, developmental needs, educational needs & school situation (number of times moved in school), social relationships, and child's wishes. Each child should have a paragraph fully describing his/her situation and needs, strengths and weaknesses. Add anything the child has said to you about his wishes, not only about placement.)

**Defendant Mother:** (Discuss family situation and dynamics; mothers problems; extended family, if relevant; general information about case, including indicators of abuse and/or neglect. Information and history of visitation can be included in this section. The compliance to the case plan can also be addressed here.)

**Defendant Father:** (Discuss family situation and dynamics; mothers problems; extended family, if relevant; general information about case, including indicators of abuse and/or neglect. Information and history of visitation can be included in this section. The compliance to the case plan can also be addressed here.)

**CONCLUSION:** (This last paragraph is your summary, where you may want to state your opinion. The child(ren)'s wishes must be explicitly stated in here, unless the child is incapable of communicating his or her wishes. Be concise in your conclusion.)

*(Start with deciding what you should recommend. Build your report from what you intend to recommend. This will keep your report on track and help inform the Court as to why you believe your recommendations are in the child's best interest.)*

**RECOMMENDATIONS:** After interviewing the above-named individuals and reviewing the listed documents, I recommend the following:

1. That the Family Court of Greenville County find (state type of abuse/neglect) and perpetrator, if known.
2. That legal and physical custody . . .



3. That . . . (recommendations regarding visitation)
4. That . . . (recommendations for Treatment Plan)
5. That ... (recommendations for Child Support)
6. That the Guardian *ad Litem* be kept informed of all matters pertaining to this case.

*(The Merits Hearing is the only hearing that requires the Guardian ad Litem to ask for a finding of the specific abuse that occurred. At subsequent hearings you will not need to make this recommendation.)*

*(The recommendations for each child should be numbered consecutively and should address any special needs that the child may have involving education, physical and emotional health, and any other issues that affect that child.)*

*(After each child's needs have been addressed, then make recommendations involving each parent or guardian. These recommendations should be aimed at the parents' problems as they impact the child(ren). Remember that the children are our focus, not the parents.)*

The Guardian *ad Litem* reserves the right to change these recommendations after hearing testimony during this hearing.

This report is written pursuant to the SC Code Section 63-11-510(5).

*(OPTIONAL: You may include the date the report was written if your Bench requires it.)*

Respectfully submitted,

\_\_\_\_\_,  
**Type name of GAL, Volunteer Guardian *ad Litem***

## **CHECKLIST FOR GAL BEFORE WRITING THE COURT REPORT**

1. GAL visited the child in current placement
2. GAL visited the parents in their home (gathered medical info on children and documented parent's version of circumstances of case)
3. GAL talked with guidance counselor or teacher at school OR interviewed daycare provider.
4. GAL interviewed other family members in pleadings or as suggested by parents or child.
5. GAL read DSS file and talked with caseworker & copied any documents needed.
6. GAL has signed release from parents (if not, get signed at Family Meeting or Merits Hearing).
7. GAL speaks with DSS Caseworker to know what DSS is asking for before court.
8. GAL writes report and has reviewed by GAL Supervisor one week before court date.
9. GAL talks with GAL attorney (only after talking with GAL Supervisor first and usually only when a trial is upcoming).

## **GUIDE TO VOLUNTEERS TO GATHER INFORMATION**

### Questions Relating to the Child(ren)'s Welfare

#### Safety and Protection

1. Are there any safety concerns in the out-of-home placement?
2. Do the parents know the physical address of the foster parents, and if so, is that a concern?
3. If visits and phone contacts are to be supervised, are they? By whom?
4. Is the child associating with people that may be a negative influence? For example, the child is associating with a child who is on probation or has been arrested or experiences serious behavioral problems at school?
5. Are there criminal charges pending against a parent/caregiver for which the child is expected to testify?
6. Is the child protected from abuse? What abuse and how is the child protected?
7. Any other pertinent information?

#### Medical

1. What medical concerns does the child have?
2. Are the annual dental and physical examinations up to date?
3. Is the child on any medications?
4. Who prescribes them and follows up on the meds?
5. What is the medication for?
6. Is the child or caretaker compliant with medications?
7. Does the child need a special examination: Eye? Gynecological? Orthodontic?
8. Any other pertinent information?
9. Don't say the child is in good health, you are not the child's doctor. You may say the foster mom and child state that there have been no health problems.

#### Visitation/Contract with Family and/or Friends

1. Are visits scheduled?
2. With whom?
3. How often are visits scheduled and how often do they actually take place?
4. Where are the visits held? Are they supervised or unsupervised?
5. How does the child get to the visits?
6. How is the child's behavior prior to, during, and after visits? Is the child anxious prior to visits and acts out after? Acts out after, but shows no outward symptoms of anxiety or fear prior to or during? Who gave you the information?
7. How does the child interact with visitors? Does the child play with siblings? Does the child avoid mom? Who gave you the information?
8. Have you observed any visits?

#### Education – Judges care about this.

1. What grade is the child in?

2. Is he or she in regular or special education? What is special education exceptionality? What is the date of the most recent individualized Education Plan (IEP)?
3. Did the child have to change school as a result of foster care?
4. Any problems with behavior or attendance? Give number of suspensions/detentions/behavioral reports and behavior that resulted in disciplinary actions. How many days missed due to behavioral problems? Give number of days absent.
5. How are his or her grades? Be specific: 4 B's, 3 C's, etc. Don't say they're good or bad because that is your opinion. Just state the facts.
6. Is he or she seeing a school social worker or a school-based counselor?
7. Is he or she active in any extra-curricular activities at school (clubs, sports, etc.)? Does he or she want to participate in any of these activities?
8. Any special needs: tutoring, an updated IEP, rehab services?
9. Anything else that is pertinent?

#### Psychological and Social Psychological

1. Is the child in therapy?
2. With whom?
3. What type of therapy: family, group, individual, sexual abuse victims, sexual abuse perpetrators?
4. How frequently are they scheduled?
5. How often do they actually attend?
6. Is the therapy in-home, at the therapist office, or at the mental health clinic?
7. What issues, in general, are being addressed?
8. What progress, if any, is being made?
9. How much does the child participate in therapy?
10. Prognosis and/or recommendations?
11. Date of most recent evaluation?
12. Any other pertinent information?

#### Social

1. With whom does the child socialize: friends in the neighborhood, foster sibs, children at school or church?
2. In what type of activities does the child engage: boy scouts, church youth groups or choir, skating, sports? Anything the child does not participate in but would like to?
3. Does the child have a boyfriend/girlfriend, best friend, a few friends or many?
4. Any other pertinent information?

#### Financial and Material Needs

1. Does the child have any particular needs: socks, shoes?
2. Does the child get any recreational money from the state? If so, how is it spent?
3. Is there anything in particular the child wants to do (art lessons, go on camping trips, etc.)? How will it be paid for?
4. Any other pertinent information

## This image shows a single page of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## **Receipt of Acknowledgement for the CEM GAL Employee Training Manual**

I have read and have been informed about the content, requirements, and expectations of the Cass Elias McCarter Guardian ad Litem Program. I have received a copy of the Cass Elias McCarter Guardian ad Litem Program Employee Training Manual and agree to abide by the Manual as a condition of my employment and my continuing employment at the Cass Elias McCarter Guardian ad Litem Program.

I understand that if I have questions, at any time, regarding the Manual, I will consult with my immediate supervisor. Please read the Manual carefully to ensure that you understand the expectations **before** signing this document.

Employee Signature: \_\_\_\_\_

Employee Printed Name: \_\_\_\_\_

Receipt By: \_\_\_\_\_

Date: \_\_\_\_\_

### **Please provide your initials below as you read each section:**

Mission, Vision & Values \_\_\_\_\_ History & Legislative Foundation \_\_\_\_\_

Organizational Structure \_\_\_\_\_ County Office Position Descriptions \_\_\_\_\_

SC Definitions \_\_\_\_\_ Statutory Requirements \_\_\_\_\_

GAL: Volunteer vs. Private \_\_\_\_\_ Local Laws \_\_\_\_\_

Specific Duties of a GAL \_\_\_\_\_ Responsibilities of a GAL \_\_\_\_\_

Acknowledgment of Agreement \_\_\_\_\_ Five Functions of a GAL \_\_\_\_\_

Daily Office Procedures \_\_\_\_\_ Family Court \_\_\_\_\_

Example Day In The Life of A Coordinator \_\_\_\_\_

Example Day In The Life of A Volunteer Supervisor \_\_\_\_\_

Being Pro-Active \_\_\_\_\_ Monthly Monitoring Form \_\_\_\_\_

GAL Court Report \_\_\_\_\_ Checklist to Gal \_\_\_\_\_

Guide to Volunteers to Gather Information \_\_\_\_\_ State Statute \_\_\_\_\_